COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: August 8, 2005

FILE NO.: #2108825

FROM: JOHNNY G. JURADO, COMMANDER
ERIC B. SMITH, COMMANDER
KENNETH J. BRAZILE, COMMANDER
ROBERT L. BINKLEY, COMMANDER

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**

SERGEANT SEAN BURKE #[redacted] CENTURY STATION

DEPUTY MARK FITZPATRICK #[redacted] CENTURY STATION

DEPUTY OSCAR BARRAGAN #[redacted] COMPTON STATION

DEPUTY [redacted] #[redacted] COMPTON STATION

DEPUTY KEITH TATE #[redacted] COMPTON STATION

DEPUTY JASON PHILLIPI #[redacted] COMPTON STATION

DEPUTY NIKOS GUSKOS #[redacted] COMPTON STATION

DEPUTY ROBERT GILLIS #[redacted] SAFE STREETS BUREAU

On January 1, 2005, Sergeant Burke and Deputies Fitzpatrick, Barragan, [redacted] Tate, Phillipi, Guskos, and Gillis responded to a "Man With A Gun" call. The suspects left the location in a vehicle. A few minutes later, Deputy Gillis observed the vehicle parked in front of a liquor store and detained the occupants at gunpoint. Other deputies arrived to assist. Once sufficient deputies were present, the driver was ordered out of the vehicle. The driver complied and exited but was not completely compliant; two suspects remained in the vehicle. The driver was eventually ordered back and taken into custody. At the same time, a rear passenger moved into the driver's seat and one of the occupants held up and displayed a handgun that was seen by several deputies. The vehicle's reverse lights came on and the vehicle quickly backed up toward the arresting deputies. Fearing for the arresting deputies' safety, assisting deputies opened fire on the assaulting driver. The vehicle struck a car parked car next to it, then proceeded forward where it ran into a wall. It was apparent the two suspects inside the car had been struck by gunfire. The suspects were removed, taken into custody and medical assistance summoned. Suspect #1 (driver) suffered four gunshot wounds and died from his wounds. Suspect #2 (passenger) suffered two gunshot wounds and died from his wounds. No deputies were injured.

On May 12, 2005, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP §§ 3-01/025.00, Use of Force; MMP § 3-01/025.30, Use of Firearms and Deadly Force, 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards. Concerning:

MMP § 3-01/025.00, Use of Force, MMP § 3-01/025.30, Use of Firearms and Deadly Force, 3-01/025.10, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Sergeant Sean Burke #[redacted] and Deputies Mark Fitzpatrick #[redacted] Oscar Barragan #[redacted] [redacted] #[redacted] Keith Tate #[redacted] Jason Phillipi #[redacted] Nikos Guskos #[redacted] and Robert Gillis #[redacted] was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident was within Department Policy.

Johnny G. Jurado, Commander

Table of Contents

ADDENDUM A
DEPUTY-INVOLVED HIT SHOOTING
SUSPECTS DECEASED
IAB SH2108825
URN 004-00204-2825-013

On March10, 2005, this shooting was presented to the Executive Force Review Committee. The Committee decided not to pursue an administrative investigation at the time; however, they made the following recommendations regarding this case:

-Contact the Homicide Bureau case investigators; ascertain if any additional reports were prepared, if any window tint testing was conducted on the suspects' BMW, and/or if any additional measurements were taken of the scene.

-Contact Traffic Services Detail to ascertain the suspects' vehicle capabilities as it backed toward the deputies.

-Conduct a shooting reconstruction at the scene; coordinate with Compton Station personnel, local businesses, and crime lab personnel.

On March 23, 2005, I (Sergeant Berg) met with Deputy Joe Jakl of the Traffic Services Detail. We discussed the case details and I conveyed the necessity to further investigate the suspect' vehicle capabilities while backing toward the deputies. Deputy Jakl agreed to conduct an investigation, analysis and prepare a report.

Deputy Jakl's report concluded (given the specific dimensions of the suspects' vehicle) that the BMW could accelerate from a stop to 10 mph in the given distance. The distance (approximately 15-16 feet between the rear BMW bumper, and the front of Deputy Gillis' patrol vehicle/ front of the parked, white Cadillac) could be covered in approximately 1.99 seconds. Using approved industry standard formulas for traffic reconstruction, Deputy Jakl determined that the 2,381 pound vehicle at 10 mph would equal energy or force of 9,524 foot pounds. Jakl also concluded that the BMW had the ability to increase its energy or force to overpower resistance or force from an external source, such as a stopped or parked vehicle. Refer to Jakl's report, **Exhibit H,** for further details.

On March 23, I spoke with Lead Homicide Investigator, Detective Steinwand. Steinwand told me that no testing was conducted on the BMW's tinted windows (for visibility). There were no other additional reports regarding the investigation.

Homicide investigators did not consider a computer animation of the scenario because: 1) they do not usually use that technology, and; 2) there was no need for it since no criminal charges were filed in the case.

On April 6, 2005, at 2100 hours, IAB Sergeants Sutton, Smith, and I conducted a shooting reconstruction at the scene of the original shooting (2110 N. Long Beach Bl., Compton). The shooting was attended by Executive Force Review Committee Commanders, involved station Captains, crime lab personnel, and OIR personnel. The scene was set as close to the original scene as possible, excluding lighting conditions. Departmental vehicles were used in place of civilian and suspect vehicles. Two patrol cars were utilized (the other patrol cars at the original scene were not factors in the shooting scene).

Attending personnel were given an overview of the shooting, and walked-through each shooter deputy's position at the time of the shooting. Personnel were given the opportunity to view what the deputies saw from their positions. They also viewed the scene from the suspects' positions. The suspects' vehicle was placed in its original parked location, then backed up toward the deputies' and civilian vehicles.

Crime lab personnel took photographs from the shooter deputies' perspectives. They also photographed the scene and the suspects' vehicle positions. Refer to **Exhibit I** to view the photographs.

Crime lab personnel produced a "drawn-to-scale" diagram of the scene. Refer to **Exhibit J** for the diagram.

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 02-09-04	Bureau/Station/Facility: COMPTON STATION	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 004-00204-2825-013	Date: 01-05-04 Time: 2010
City or Station: COMPTON	Nature of Incident: DEPUTY-INVOLVED HIT SHOOTING; SUSPECTS DECEASED
Location: 2110 N. LONG BEACH BL., COMPTON	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, (Parking Lot) [circled], Residence, Rural, School, Street, Other: ______

Lighting (*circle only one*): (Darkness) [circled], Daylight, Other, Street Lights

Weather (*circle only one*): (Clear) [circled], Cloudy, Fog, Rain

Distance: 15-30 FEET

Incident Type (*circle one or more*): Accidental, (Armed Person) [circled], Fleeing Suspect, Foot Pursuit, Gun Take Away, (Moving Vehicle) [circled], Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Other: ______

Initiated by (*circle only one*): Arrest Warrant, (Call) [circled], Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, (Routine Patrol) [circled]

Aero Unit? ☒ Canine Unit? ☐

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
62	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
	REFER TO IAB CASE, INVESTIGATIVE SUMMARY			EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
REFER TO IAB CASE, INVESTIGATIVE SUMMARY							

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	BURKE	SEAN		On Duty, Present during shooting, Witness to shooting, (Involved in shooting) [circled]
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	VALENCIA	DOMINIC	J

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	DRAKE	PAUL	E

PSTD Use Only

SH # SH108825

SH-R-438A rev. 3/97

See Reverse

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
01-05-04	2240	10-25-04	

Employee #	Last Name	First Name	M.I
[redacted]	BERG	MICHAEL	R
[redacted]	SUTTON	WESLEY	M
[redacted]	JOHNSON	GREGORY	H

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	E1	OV					NN	
S1	E3	OV					NN	
S1	E4	OV					NN	
S1	E6	OV					NN	
S1	E7	OV					NN	
S1	E8	OV					NN	
S2	E1	OV					NN	
S2	E3	OV					NN	
S2	E4	OV					NN	
S2	E6	OV					NN	
S2	E7	OV					NN	
S2	E8	OV					NN	
E1	S1	FH	BR	9	Y	Y	NN	
E2	S1	FH	BR	9	Y	Y	NN	
E3	S1	FH	BR	9	Y	Y	NN	
E4	S1	FH	BR	9	Y	Y	NN	
E5	S1	FH	BR	9	Y	Y	NN	
E6	S1	FH	SW	45	Y	Y	DH	HE

Officer Involved Shooting

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(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
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E7	S1	FH	BR	9	Y	Y	NN	
E8	S1	FH	BR	9	Y	Y	NN	
E1	S2	FH	BR	9	Y	Y	NN	
E2	S2	FH	BR	9	Y	Y	NN	
E3	S2	FH	BR	9	Y	Y	NN	
E4	S2	FH	BR	9	Y	Y	NN	
E5	S2	FH	BR	9	Y	Y	NN	
E6	S2	FH	SW	45	Y	Y	NN	
E7	S2	FH	BR	9	Y	Y	NN	
E8	S2	FH	BR	9	Y	Y	DH	HE

Officer Involved Shooting
Involved Employee Information

URN: 004-00204-2825-013

Involved Employee

E 1

Employee # [redacted]	Last Name: BURKE	First Name: SEAN	M.I.: W
Sex: M Race: W	Rank: SERGEANT	Unit Assignment: CENTURY STATION	Work Assignment (Unit #, Module, etc.): CPAST
ShiftTime (*circle only one*): EM **PM** Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: — Interviewed? ☒
Hrs of sleep prior to shooting: 6-8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted]	Height: 6-2	Weight: 220	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] — Number of Prior Shootings: [redacted]
Field Training Officer Emp #	Last Name [redacted]	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E 2

Employee # [redacted]	Last Name: FITZPATRICK	First Name: MARK	M.I.: K
Sex: M Race: W	Rank: DEPUTY SHERIFF	Unit Assignment: CENTURY STATION	Work Assignment (Unit #, Module, etc.): DB
ShiftTime (*circle only one*): EM **PM** Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: — Interviewed? ☒
Hrs of sleep prior to shooting: 6-8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, **Raid Jacket w/ Vest**, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted]	Height: 5-11	Weight: 215	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] — Number of Prior Shootings: [redacted]
Field Training Officer Emp #	Last Name [redacted]	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E 3

Employee # [redacted]	Last Name: BARRAGAN	First Name: OSCAR	M.I.: O
Sex: M Race: H	Rank: DEPUTY SHERIFF	Unit Assignment: COMPTON STATION	Work Assignment (Unit #, Module, etc.): CPAST
ShiftTime (*circle only one*): EM **PM** Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: — Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted]	Height: 5-10	Weight: 170	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] — Number of Prior Shootings: [redacted]
Field Training Officer Emp #	Last Name [redacted]	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Involved Employee Information

URN: 004-00204-2825-013

Involved Employee

E 4

Employee # [redacted]	Last Name [redacted]	First Nam[redacted]	M.I. [redacted]
Sex: M Race: W	Rank: DEPUTY SHERIFF	Unit Assignment: [redacted]	Work Assignment (Unit #, [redacted]):
ShiftTime (*circle only one*): EM [redacted] Day	ShiftType (*circle only one*): [redacted]vertime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☒
Hrs of sleep prior to shooting: 6-8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 6-0	Weight: 190		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp #	Last Name [redacted]	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E 5

Employee # [redacted]	Last Name: TATE	First Name: KEITH	M.I.: D
Sex: M Race: B	Rank: DEPUTY SHERIFF	Unit Assignment: COMPTON STATION	Work Assignment (Unit #, Module, etc.): 282A
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☒
Hrs of sleep prior to shooting: 6-8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 5-8	Weight: 160		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp #	Last Name [redacted]	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E 6

Employee # [redacted]	Last Name: PHILLIPI	First Name: JASON	M.I.: H
Sex: M Race: W	Rank: DEPUTY SHERIFF	Unit Assignment: COMPTON STATION	Work Assignment (Unit #, Module, etc.): 283
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 5-11	Weight: 250		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp #	Last Name [redacted]	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Involved Employee Information

URN: 004-00204-2825-013

Involved Employee

E 7

Employee # [redacted]	Last Name: GUSKOS	First Name: NIKOS	M.I.: A
Sex: M Race: W	Rank: DEPUTY SHERIFF	Unit Assignment: COMPTON STATION	Work Assignment (Unit #, Module, etc.): 282B
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: / Interviewed? ☒
Hrs of sleep prior to shooting: 6-8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 5-11	Weight: 195		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] / Number of Prior Shootings: [redacted]
Field Training Officer Emp #	Last Name [redacted]	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E 8

Employee # [redacted]	Last Name: GILLIS	First Name: ROBERT	M.I.: G
Sex: M Race: W	Rank: DEPUTY SHERIFF	Unit Assignment: OSS/PLM	Work Assignment (Unit #, Module, etc.): 284E1
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): Regular (Overtime) Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: / Interviewed? ☒
Hrs of sleep prior to shooting: 6-8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 6-2	Weight: 225		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ / Number of Prior Shootings: 1
Field Training Officer Emp #	Last Name [redacted]	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ / Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 004-00204-2825-013

Suspect Information

S 1

Last Name: SALDANA		First Name: ABELARDO	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 24 D.O.B. 08/03/79	Height: 5-10 Weight: 165	FBI #:	CII #: [redacted]
Booking #: NONE	Primary Charge: NONE	Secondary Charge: NONE	
Coroner Case? ☒	Coroner Case #: 2004-00140	Intoxication/Drug Usage? ☒	Substance Used: METH/ALC/MARIJUANA
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: BMW		Model: 318i	Year: 1990

S 2

Last Name: SALDANA		First Name: ARTURO	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 22 D.O.B. 10/01/81	Height: 5-08 Weight: 165	FBI #:	CII #: [redacted]
Booking #: NONE	Primary Charge: NONE	Secondary Charge: NONE	
Coroner Case? ☒	Coroner Case #: 2004-00166	Intoxication/Drug Usage? ☒	Substance Used: METHAMPHETAMINE
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: BMW		Model: 318i	Year: 1990

S 3

Last Name: VIZCARRA		First Name: FELIPE	M.I.:
AKA Last Name: HERRERA		First Name: FABIAN	M.I.:
Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 24 D.O.B. 08/23/80	Height: 5-07 Weight: 155	FBI #: [redacted]	CII #: [redacted]
Booking #: 7965195	Primary Charge: 11359 HS	Secondary Charge: 12021(A) PC	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☒	Substance Used: ALCOHOL
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: BMW		Model: 318i	Year: 1990

S __

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
REFER TO IAB CASE, INVESTIGATIVE SUMMARY			WITNESS LIST, PAGES 6-8			

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Field			
Last Name: REFER TO IAB CASE, INVESTIGATIVE SUMMARY	First Name		M.I.
Street Address: WITNESS LIST, PAGE 6	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

INVESTIGATIVE SUMMARY
DEPUTY-INVOLVED HIT SHOOTING
SUSPECTS DECEASED
IAB SH2108825
URN 004-00204-2825-013

On Monday, January 5, 2004, Sergeants Michael Berg and Wes Sutton of the Internal Affairs Bureau responded to Compton Station regarding a deputy-involved hit shooting. Internal Affairs Bureau Lieutenant Greg Johnson also responded.

On January 5, 2004 at approximately 2001 hours, Compton Station units received a radio call of a "417 (man with a gun)" at [redacted] The [redacted] of two of the suspects called 911. The call stated that two male Hispanics with bald heads left the location in a red BMW with no license plates. Compton patrol units searched the area for the vehicle.

Approximately 10 minutes later, Deputy Gillis (unit 284E1) drove northbound past a liquor store at 2110 North Long Beach Boulevard. Gillis saw a red BMW in the parking lot in front of liquor store. He also saw a male Hispanic with a shaved head exit the liquor store and get into the passenger side of the vehicle. Gillis drove into the parking lot and positioned his vehicle 15-20 feet behind and to the north of the red BMW. Gillis detained the occupants at gunpoint, and requested assistance to his location. The suspect vehicle was initially parked in a parking stall faced toward Long Beach Boulevard. Gillis faced the trunk and rear windshield of the BMW.

Numerous assisting units arrived and deployed in the parking lot to conduct a felony stop. Deputy Tate parked his car next to and on the passenger side of Deputy Gillis' vehicle. Four other patrol cars were behind Gillis' and Tate's vehicles. The deputies positioned their spotlights on the suspects' vehicle. Air 22, a helicopter assisting the incident from above, also utilized its spotlight. Civilian vehicles were parked on both sides of the suspects' vehicle in parking stalls. A civilian white Cadillac was parked almost directly behind the suspect vehicle. The Cadillac was across the parking lot and in front of the liquor store, parked perpendicular to the suspects' vehicle. Refer to the **crime scene diagram on page 137 of Exhibit A** (and attached to the end of the Investigative Summary) for the position of the deputies' and civilians' vehicles.

Deputy Gillis ordered the driver of the vehicle to exit the vehicle. Gillis yelled his commands because the P.A. system on his vehicle did not work. The driver, Suspect Vizcarra, exited the vehicle and walked backward toward the front of Gillis' vehicle. Vizcarra looked around as he came back, as if to locate the deputies' positions. Deputies [redacted] and [redacted] moved from behind positions of cover to handcuff Vizcarra. [redacted] and Vizcarra were in the open between Gillis' vehicle, and the white Cadillac.

Numerous deputies noticed significant movement inside the BMW. One suspect, Arturo Saldana, was seated in the right front passenger seat. The other suspect, Abelardo Saldana, was in the rear seat. Several deputies saw a suspect (Abelardo Saldana) climb from the rear seat into the front

driver's seat, and saw one of the suspect's hold a handgun up in the air. The BMW's brake lights flashed, the reverse lights came on, and the tires screeched as the suspects' vehicle accelerated backward quickly.

At this time, the deputies were configured as follows:

-Deputy Gillis was positioned behind his opened driver side door (vehicle SD1644).
-Deputy Guskos stood to the left of Gillis, behind Gillis' vehicle.
-Sergeant Burke was positioned behind Gillis' opened passenger side front door.
-Detective Fitzpatrick was behind Deputy Tate's opened driver side door (vehicle SD1912).
-Deputy Tate left his vehicle and moved west on the sidewalk of Long Beach Bl. behind a planter and a tree.
-Deputy [redacted] was initially behind the driver's side of Deputy Gillis' vehicle. He moved out between Gillis' vehicle and the white Cadillac to handcuff Suspect Vizcarra.
-Deputy [redacted] (non-shooter) was initially behind the white Cadillac. He moved out between the white Cadillac and Gillis' vehicle to handcuff Suspect Vizcarra.
-Deputies Barragan and Phillippi were positioned behind the hood/engine block of the white Cadillac.

As the BMW drove backward toward the front of Gillis' vehicle, Deputies [redacted] and [redacted] and Suspect Vizcarra believed they were going to be hit by the BMW. Deputies yelled at the BMW. Vizcarra dove to his left and laid on the ground. [redacted] turned and ran until he got behind cover. Deputies [redacted] Gillis, Guskos, Tate, Barragan, Phillippi and Fitzpatrick, and Sergeant Burke opened fire at the suspects' vehicle.

The BMW continued backward and collided with a car parked next to it, and the front bumper and push bars of Gillis' patrol vehicle. The BMW then drove forward and crashed into the wall of the liquor store. The shooting stopped when the BMW crashed. Some deputies believed they had been fired at.

Utilizing the ballistic shield, Sergeant Burke organized an arrest/rescue team and approached the BMW. The deputies saw Suspects Abelardo and Arturo Saldana had been wounded. The suspects were removed from the vehicle, and rescue personnel were summoned. A revolver was located and recovered from the rear passenger side seat of the BMW.

Abelardo and Arturo Saldana were treated at the scene by Compton City paramedics and transported to Martin Luther King Jr. Medical Center in Lynwood. Both suspects eventually died from gunshot wounds to the head. Suspect Vizcarra was not injured. No deputy personnel were injured in the incident.

A total of 61 rounds were fired by deputy personnel. Abelardo Saldana sustained 4 hits while Arturo Saldana was struck by 2 rounds. Deputy Gillis' patrol car was struck by rounds, as well as several civilian vehicles. All rounds fired were from deputy personnel. Refer to the **Property Damage**

section for further information regarding the location and damage of bullet strikes.

Deputy Wolak from the Force Training Unit and Deputy Scott Edge of the Civil Litigation Unit also responded to the incident.

INVOLVED PERSONNEL:

GILLIS, Robert, Deputy #[redacted]
Office of Homeland Security
Safe Streets Bureau


[redacted] Deputy #[redacted]
[redacted]

BARRAGAN, Oscar, Deputy #[redacted]
Compton Station
Field Operations Region II

TATE, Keith, Deputy #[redacted]
Compton Station
Field Operations Region II

GUSKOS, Nikos, Deputy #[redacted]
Compton Station
Field Operations Region II

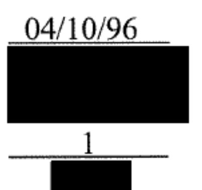
PHILLIPPI, Jason, Deputy #[redacted]
Compton Station
Field Operations Region II

FITZPATRICK, Mark, Deputy #[redacted]
Century Station
Field Operations Region II

BURKE, Sean, Sergeant #[redacted]
Century Station
Field Operations Region II

EMPLOYEE WORK HISTORY:

GILLIS, Robert	
Date of Employment	04/10/96
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	1
Prior Founded Force Incidents	[redacted]



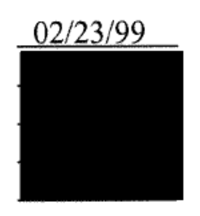
[redacted]	
Date of Employment	[redacted]
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]



BARRAGAN, Oscar	
Date of Employment	01/26/90
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]



TATE, Keith	
Date of Employment	02/23/99
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]



GUSKOS, Nikos	
Date of Employment	06/02/99
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]



PHILLIPPI, Jason	
Date of Employment	07/19/95
Date assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]



FITZPATRICK, Mark

Date of Employment	01/05/90
Date assigned to Patrol	[redacted]
Completed Patrol Training	
Prior Shooting Incident(s)	
Prior Founded Force Incidents	

BURKE, Sean

Date of Employment	03/15/89
Date assigned to Patrol	[redacted]
Completed Patrol Training	
Prior Shooting Incident(s)	
Prior Founded Force Incidents	

SUSPECTS:

Saldana, Abelardo MH/24 No Booking # (Suspect Deceased)

Suspect Saldana has an extensive criminal background. A check of the CCHRS (Consolidated Criminal History Reporting System) revealed that Suspect Saldana [redacted] has been [redacted] Saldana was on [redacted] at the time of this incident. Refer to the CCHRS printouts included under **Miscellaneous Documents.**

Saldana, Arturo MH/22 No Booking # (Suspect Deceased)

Suspect Saldana has an extensive criminal background. A check of the CCHRS (Consolidated Criminal History Reporting System) revealed that Suspect Saldana [redacted] has been [redacted] Saldana was on summary probation at the time of this incident. Refer to the CCHRS printouts included under **Miscellaneous Documents.**

Vizcarra, Felipe (aka "Herrera, Fabian") MH/23 Booking # 7965195

Suspect Vizcarra has an extensive criminal background. A check of the CCHRS (Consolidated Criminal History Reporting System) revealed that Suspect Vizcarra [redacted] has been [redacted] Refer to the CCHRS printouts included under **Miscellaneous Documents.**

WITNESSES:

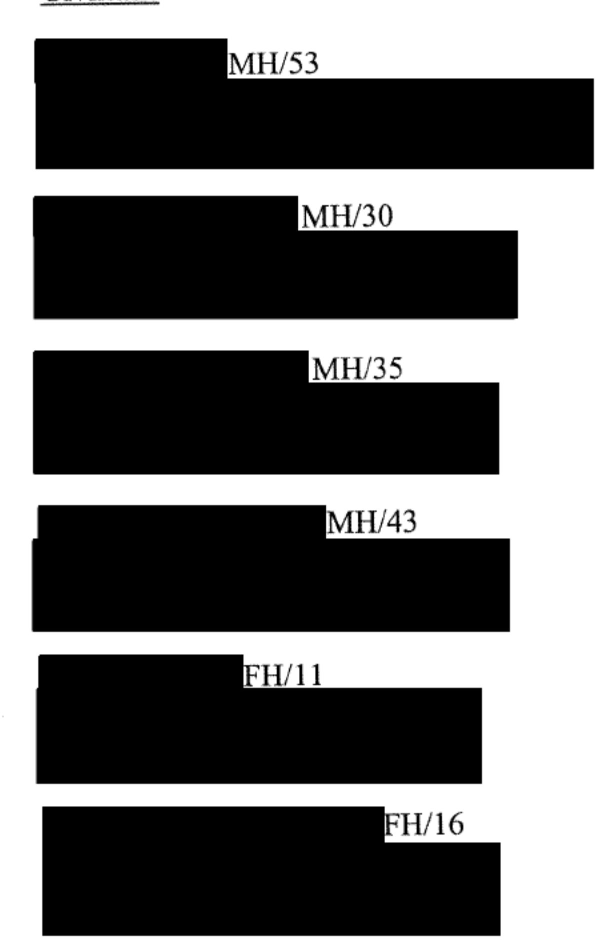
<u>Sworn:</u>

[redacted] Deputy #[redacted]
[redacted]

<u>SINCLAIR</u>, Shelia, Deputy #[redacted]
Office of Homeland Security
Aero Bureau

<u>VOGE</u>, Michael, Deputy #[redacted]
Office of Homeland Security
Aero Bureau

<u>Civilian:</u>



[redacted] MH/53
[redacted]

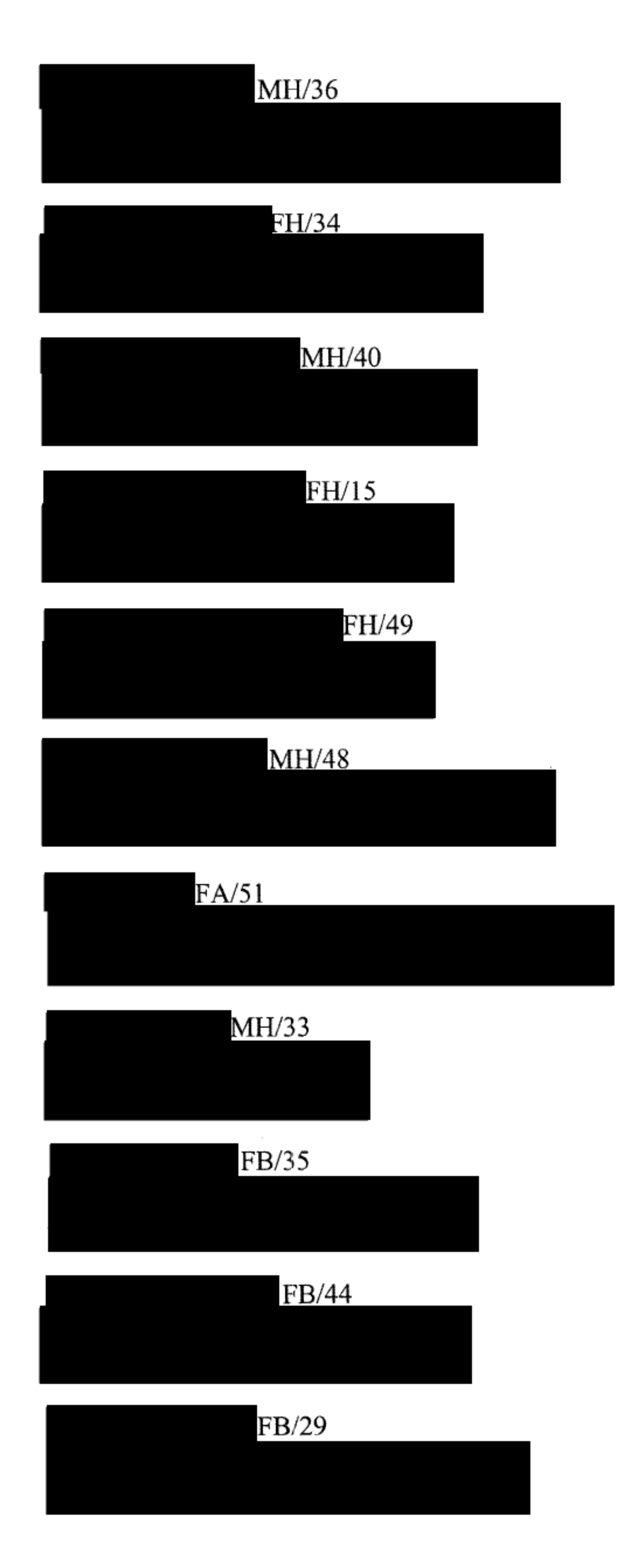
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[redacted] MH/48
[redacted]

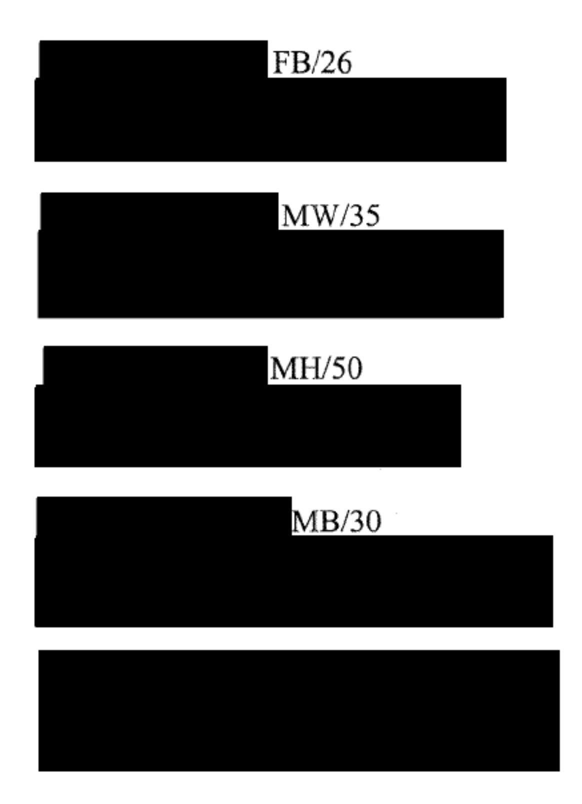
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[redacted]



[redacted] FB/26
[redacted]

[redacted] MW/35
[redacted]

[redacted] MH/50
[redacted]

[redacted] MB/30
[redacted]

INJURIES:

SALDANA, Abelardo
- -(1) gunshot wound to the top of the head (through-and-through, fatal).
- -(1) gunshot wound to the back of the head (through-and-through, fatal).
- -(1) gunshot wound to the left forearm (through-and-through, non-fatal).
- -(1) gunshot wound to the right elbow (non-fatal).

Refer to the L.A. County Coroner's report #2004-00140 for further information (included in **Exhibit A, p.228-248**). Dr. Riley of the Coroner's Office performed an autopsy and listed the cause of death as multiple gunshot wounds to the head.

SALDANA, Arturo
- -(1) gunshot wound to the right side of the head (fatal)
- -(1) gunshot wound to the right hand (non-fatal).

Refer to the L.A. County Coroner's report #2004-00166 for further information (included in **Exhibit A, p.249-278**). Dr. Ortiz-Colom off the Coroner's Office performed an autopsy and listed the cause of death as a gunshot wound to the head.

Both suspects were treated at the scene by paramedics from Compton Fire Department. The suspects were transported to Martin Luther King Jr. Medical Center via AMR ambulance. Abelardo Saldana was treated in the Emergency Room by Dr. Hinicka, and pronounced dead at 2225 hours by Dr. Stafford. Arturo Saldana was treated in the Emergency Room by Dr. Greene and pronounced dead the next day at 1522 hours by Dr. Akhondzadeh.

Suspect Felipe Vizcarra was not injured.

No deputies were injured.

PHYSICAL EVIDENCE:

Refer to the Homicide Book, **Exhibit A, p. 40-73** for Physical Evidence gathered at the crime scene(s) and processed by the Crime Lab. The Crime Lab report is located in **pages 115-130** of the same exhibit. The Coroner Reports are located in **Exhibit A, pages 228-278**. Refer to photographs of the crime scene and evidence (**Exhibits C-G**), and the crime scene sketches (**Exhibit A, pages 136-145**) for additional information.

Refer to the property damage section for additional comments regarding bullet strikes.

INVESTIGATOR OBSERVATIONS:

The physical evidence at the shooting scene (positions of the deputy's shell casings; position of the suspects' vehicle; paint transfer from the suspects' vehicle; position of the suspects; the recovered gun from the suspects' vehicle, and; evidence recovered at the scene) appears to be consistent with the deputies' versions of the events. Refer to the Homicide Book (**Exhibit A, p. 40-73**) for additional scene observations. Also, refer to **Exhibits C-G** for photographs of the scene.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Gillis, Robert

Departmental-issued service firearm; Beretta 92FS 9mm, serial #BER[redacted]Z; **14 rounds of duty-issue 9mm ammunition fired**. Gillis carried his weapon with one round in the chamber and 15 rounds in the magazine. Examination of Deputy Gillis' firearm by Homicide detectives revealed 1 round in the chamber and 15 rounds in the magazine. Gillis told investigators he performed a tactical reload at the scene. Scene investigators found Gillis' magazine with one live round in it. For additional information, refer to the Crime Lab examination of Gillis' weapon (**Exhibit A, p. 115-130, lab receipt J381321 & J381313, Item #PAR-8**).

Deputy [redacted]

Departmental-issued service firearm; Beretta 92FS 9mm, serial #BER[redacted]Z; **10 rounds of duty-issue 9mm ammunition fired**. [redacted] carried his weapon with one round in the chamber and 15 rounds in the magazine. Examination of Deputy [redacted] firearm by Homicide detectives revealed 1 round in the chamber and 5 rounds in the magazine. For additional information, refer to the Crime Lab examination of [redacted] weapon (**Exhibit A, p. 115-130, lab receipt J381311 & J381313, Item #PAR-6**).

Deputy Barragan, Oscar

Departmental-issued service firearm; Beretta 92FS 9mm, serial #BER[redacted]Z; **9 rounds of duty-issue 9mm ammunition fired**. Barragan carried his weapon with one round in the chamber and 15 rounds in the magazine. Examination of Deputy Gillis' firearm by Homicide detectives revealed 1 round in the chamber and 15 rounds in the magazine. Barragan told investigators he performed a tactical reload at the scene. Homicide investigators found Barragan's magazine with 6 live rounds in it. For additional information, refer to the Crime Lab examination of Barragan's weapon (**Exhibit A, p. 115-130, lab receipt J381311 & J381313, Item #PAR-5**).

Deputy Tate, Keith

Departmental-issued service firearm; Beretta 92FS 9mm, serial #BER[redacted] **6 rounds of duty-issue 9mm ammunition fired**. Tate carried his weapon with one round in the chamber and 15 rounds in the magazine. Examination of Tate's weapon by Homicide detectives revealed 9 live rounds in his magazine, and one live round in the chamber. For additional information, refer to the Crime Lab examination of Tate's weapon (**Exhibit A, p. 115-130, lab receipt J381311 & J381313, Item #PAR-3**).

Deputy Guskos, Nikos

Departmental-issued service firearm; Beretta 92FS 9mm, serial #BER[redacted] **5 rounds of duty-issue 9mm ammunition fired**. Guskos carried his weapon with one round in the chamber and 15 rounds in the magazine. Examination of Guskos' firearm by Homicide detectives revealed 1 round in the chamber and 15 rounds in the magazine. Guskos told investigators he performed a tactical reload at the scene. Scene investigators found Guskos' magazine with 10 live rounds in it. For additional information, refer to the Crime Lab examination of Guskos' weapon (**Exhibit A, p. 115-130, lab receipt J381311 & J381313, Item #PAR-2**).

Deputy Phillippi, Jason

Departmental-authorized service firearm; Smith & Wesson Model 4506 .45 caliber, serial #TDP[redacted] **9 rounds of duty-issue .45 caliber ammunition fired**. Phillippi carried his weapon with one round in the chamber and 8 rounds in the magazine. Examination of Guskos' firearm by Homicide detectives revealed 1 round in the chamber and 7 rounds in the magazine. Phillippi told investigators he performed a tactical reload at the scene. For additional information, refer to the Crime Lab examination of Phillippi's weapon (**Exhibit**

A, p. 115-130, lab receipt J381311 & J381313, Item #PAR-1).**

Deputy Fitzpatrick, Mark

Departmental-issued service firearm; Beretta 92FS 9mm, serial #BER[redacted]Z; **6 rounds of duty-issue 9mm ammunition fired**. Fitzpatrick carried his weapon with one round in the chamber and 15 rounds in the magazine. Examination of Fitzpatrick's weapon by Homicide detectives revealed 9 live rounds in his magazine, and one live round in the chamber. For additional information, refer to the Crime Lab examination of Fitzpatrick's weapon (**Exhibit A, p. 115-130, lab receipt J381311 & J381313, Item #PAR-7**).

Sergeant Burke, Sean

Departmental-issued service firearm; Beretta 92FS 9mm, serial #BER[redacted]Z; **2 rounds of duty-issue 9mm ammunition fired**. Burke carried his weapon with one round in the chamber and 15 rounds in the magazine. Examination of Burke's weapon by Homicide detectives revealed 12 live rounds in his magazine, and one live round in the chamber. Burke said he ejected one live round onto the ground when his gun jammed. One live 9mm round was recovered from the scene. For additional information, refer to the Crime Lab examination of Burke's weapon (**Exhibit A, p. 115-130, lab receipt J381311 & J381313, Item #PAR-4**).

According to examinations of the deputies' firearms immediately following the shooting, the deputies fired 61 rounds (refer to Homicide Investigators interviews of the shooters). The crime lab recovered 52 9mm expended shell casings and 9 .45 caliber expended shell casings. One live round was also recovered (refer to the **Crime Lab report, Exhibit A, pages139-145**). Seven shooter deputies used Beretta 9mm duty weapons, and one shooter used a Smith & Wesson duty .45 caliber weapon.

The crime lab also recovered rounds from the suspects during the autopsies; two from Abelardo Saldana and one from Arturo Saldana. After examination of the expended rounds, the crime lab determined that both rounds obtained from Abelardo Saldana were fired from a .45 caliber gun. The only deputy with a .45 caliber weapon involved in the incident was Deputy Phillippi. The crime lab attributed the round taken from Arturo Saldana to have been fired by Deputy Gillis. Refer to the Crime Lab analysis on page 115 of Exhibit A. The crime lab could not determine who fired the remaining rounds which struck the suspects.

WEAPONS USED BY SUSPECTS:

Suspect Abelardo Saldana used a vehicle (a BMW sedan) to accelerate backward toward deputies and a suspect, and collide with a patrol vehicle. At the time the suspects' vehicle backed up, deputies were in the path of the vehicle attempting to handcuff another suspect (Suspect Vizcarra) who had exited the vehicle. Prior to the vehicle backing up, one of the remaining two suspects inside the vehicle (Arturo or Abelardo Saldana) held up a handgun. The gun was visible to deputies as their spotlights shined into the suspect vehicle. A revolver was recovered in the rear, right passenger seat

of the BMW (Colt .357 magnum revolver, Trooper Mark III, nickel finish with brown wood grips; serial # [redacted]. Refer to **Evidence item # 80, Exhibit A, pages 39-67, and 115-130; also refer to photos of revolver, Exhibit D**.

There were no rounds fired from the suspect weapon, and it was recovered unloaded with the cylinder partially opened. Refer to photos in **Exhibit D**.

PROPERTY DAMAGE:

The following property damage is identified and labeled consistent with the Crime Lab report **Exhibit A**. For the position of the below vehicles and damage, refer to the attached Crime Scene Diagram at the end of the Investigative Summary (and also on page 137 of Exhibit A). Also, refer to the **photo exhibits of the below property damage, Exhibits E-G**.

The following departmental property was damaged:

Los Angeles County Sheriffs Patrol Vehicle, SD1644; (4) four bullet strikes:

Holes A and B
Two bullet holes were observed in the molding of the driver's door of the Los Angeles County Sheriff's Patrol Vehicle, SD1644. Both trajectories were from left to right and rear to front of the vehicle. Item 84 was recovered from hole A and item 85 was recovered from hole B.

Hole C and Impact D
One bullet hole (hole C) and one bullet impact (impact D) were located in the front left windshield of the Los Angeles County Sheriff's Patrol Vehicle, SD1644. Both trajectories were from rear to front of the vehicle. Item 82 was consistent with being from impact D.

Paint Transfer from the Suspect's red BMW to Patrol Vehicle SD1644.

The following private property was damaged:

White Cadillac Sedan de Ville, California license plate [redacted] (10) Ten bullet strikes:

Holes/Impacts E thru I
Four bullet holes (Holes E, G, H and I) and one bullet impact (impact F) were located in the front windshield of the white Cadillac. All five bullet trajectories were in a westerly direction. The bullet (item 86, from hole E) penetrated the windshield and impacted the dash.

Impacts J thru O
Six bullet impacts were located on the roof of the white Cadillac. All five bullet trajectories were in a southwesterly direction.

White Chevrolet Corsica sedan. California license plate [redacted] (1) One bullet strike:

Hole P
One bullet hole was located in the left rear window of the white Chevrolet Corsica. The bullet (item 87) passed through the rear window, then through the driver's headrest and into the right front dash. The trajectory was from the left rear to the right front of the vehicle.

Blue Chrysler. New Yorker. California license plate [redacted] (1) One bullet strike:
Impact R
One bullet impact was located on the exterior of the right front passenger's door of the Chrysler New Yorker. The bullet trajectory was from the rear to the front of the vehicle.

Red BMW 318i , no license plates (VIN: [redacted]; Suspects' Vehicle:

IAB Note: Due to extensive bullet strike damage to this vehicle, the damage is listed by area of the vehicle.

(2) Two bullet strikes were located on the windshield of the red BMW:

Hole S and BL
A bullet hole was located on each the left side (hole 5) and the right side (hole BL) of the front windshield of the BMW. Both bullet trajectories were from the rear to the front of the vehicle.

(11) Eleven bullet strikes were located on the left (driver) side of the BMW:

Holes T and U and Impact BW
Two bullet holes and one bullet impact were observed on the BMW's exterior driver's door. All three bullet trajectories were from the left rear toward the right front of the vehicle. Item 101 was recovered from within the door (hole U).

Hole V
One bullet hole was located in the rear window frame of the BMW's driver's door. The bullet (item 99) traveled through the driver's door, across the interior of the vehicle and into the passenger's door. Item 99 was recovered from inside the passenger's door.

Hole W
A hole was located in the BMW's right rear passenger's window. No trajectory could be determined for this hole.

Hole X
One bullet hole was located at the front area of the BMW's right rear passenger window. The bullet passed through the window and appears to have fragmented. One bullet core fragment (item 97) was recovered from the front frame of the window. A second bullet fragment (not recovered) appears to have passed through the window molding and entered the interior of the vehicle. The bullet trajectory was from the left rear toward the right front of the vehicle.

Hole Y
A bullet hole was located in the right rear passenger's window of the BMW. The bullet trajectory was from left to right of the vehicle.

Hole Z
A fourth hole was located in the BMW's left rear passenger window. The number of bullets that may have passed through this hole could not be determined.

Impact AA
Bullet impact AA's was located in the BMW's left rear quarter panel. This trajectory was from the left rear toward the right front of the vehicle.

Hole AB
One bullet (item 98) traveled into the BMW's left rear quarter panel and impacted the vehicle's frame. This bullet's trajectory was from the left rear toward the right front of the vehicle.

Hole AC
One bullet passed through the BMW's left rear quarter panel and into the interior of the trunk. This bullet's trajectory was from the left rear toward the right front of the vehicle. Item 113 was recovered from hole AC.

Hole AD
One bullet passed through the BMW's left rear quarter panel and impacted the left rear tire well inside the trunk. This bullet's trajectory was from the left rear toward the right front of the vehicle.

(14) Fourteen bullet strikes in the rear window and eleven bullet strikes in the rear trunk and/or trunk lid of the BMW:

Hole AE/AF
One bullet passed through the left side of the BMW's rear window (hole AF) and impacted the left side of the rear window molding (hole AE). Item 90 was recovered from hole AE. This bullet's trajectory was from right to left of the vehicle.

Hole AG
One bullet passed through the left side of the BMW's rear window (hole AG) and impacted the left speaker on the rear deck (impact AG_1). This bullet's trajectory was from the left rear toward the right front of the vehicle.

Hole AH
One bullet passed through the left side of the BMW's rear window (hole AH) and into the rear deck (hole AH_1). This bullet's trajectory was from the left rear to the right front of the vehicle.

Hole Al
One bullet passed through the left side of the BMW's rear window (hole Al), impacted the rear deck (hole Al_1) and then passed through the top of the rear passenger seat (Al_2). This bullet's trajectory was from the left rear to the right front of the vehicle. Item 111 was recovered from within the rear passenger seat (hole Al_2).

Hole AJ
One bullet passed through the BMW's left side of the rear window (hole AJ) then through the top of the rear passenger seat (hole AJ_1) and exited the front of the rear passenger seat (hole AJ_2). This bullet's trajectory was from the left rear to the right front of the vehicle.

Holes AK, AM, AN, and AP, AQ and AR
Trajectories for six holes in the BMW's rear window could not be determined.

Hole AL
One bullet hole was located in the upper molding of the BMW's rear window. This bullet's trajectory was from the rear to the front of the vehicle.

Hole AO
One bullet impact was located on the top of the BMW's rear trunk just below the rear window. After impacting the trunk, the bullet then traveled through the middle of the rear window. This bullet's trajectory was from the rear to the front of the vehicle.

Hole AS
One bullet passed through the left side of the BMW's rear window (hole AS) and impacted the right speaker on the rear deck (impact AS_1). This bullet's trajectory was from the left rear to the right front of the vehicle.

Impacts AT, AY and BD
Three bullet impacts were located on the top of the BMW's rear trunk lid. All of these bullet trajectories were from the rear to the front of the vehicle.

Hole AU
One bullet hole (hole AU) was located on the left side of the BMW's rear trunk lid. The bullet traveled into the trunk and impacted the left tire well in the trunk (hole AU_2). The bullet's trajectory

was from the right rear to the left front of the vehicle.

Hole AV
One bullet hole (hole AV) was located on the left side of the BMW's rear trunk lid. This bullet traveled through the trunk lid (hole AV_1) and into the trunk molding/frame. Item 100 was recovered from hole AV_1. No trajectory could be determined.

Hole AZ and BC
Two bullet holes were located on the right side of the BMW's rear trunk lid. The bullet's trajectory for hole AZ was from the right rear to the left front of the vehicle. The bullet's trajectory for hole BC was from the rear to the front of the vehicle.

Holes AW and AX
Two holes (AW and AX) were located in the BMW's rear trunk adjacent to the license plate area. Both bullets passed through the interior of the trunk (holes BS and BT), penetrated through the seat back cushion of the rear passenger seat (holes BS_1/BT_1) and then impacted the seat bottom cushion of the rear passenger seat (holes BS_2/BT_2). BS and BT are both consistent with the bullets that originating from the trunk, but it could not be determined which one specifically corresponds with holes AW and/or AX. Both trajectories were from the rear to the front of the vehicle.

Hole BB
One bullet hole was located in the BMW's right rear tail light. This bullet passed into the trunk and impacted the front area of the trunk. This trajectory was from the right rear to the left front of the vehicle

Hole BE
One bullet hole was located at the rear of the BMW's right rear quarter panel. This bullet passed through the rear of the quarter panel (hole BE) through the trunk (hole BE_1) and impacted a more forward point of the right rear quarter panel (impact BE_2). This bullet's trajectory was from the rear to the front of the vehicle.

(8) Eight bullet strikes on the right (passenger) side of the BMW:

Holes BF, BG, BH and BK
Four holes were located on the BMW's right rear quarter panel. One bullet (hole BF) passed into the trunk and then impacted the right rear tire well in the trunk (impact BF_2).

One bullet (hole BG) passed through the right rear quarter panel, then through the gas filling compartment (hole BG_2) and into the right rear tire well.

The path of travel of a third bullet (hole BH) located in the right rear quarter panel could not be determined.

A fourth bullet (hole BK) penetrated the right rear quarter panel, entered the right rear passenger compartment area (hole BK_1), traveled through the left rear passenger seat bottom cushion (hole BK_{213}) and then impacted the driver's door. Item 102 was recovered from the driver's side door (hole BK_4).

These four bullet trajectories were all from the right rear to the left front of the vehicle.

Hole BI
One bullet (hole BI) passed through the BMW's right pillar C and into the vehicle's interior. This bullet's trajectory was from the rear to the front of the vehicle.

Hole BJ
One bullet (hole BJ) traveled through the top of the BMW's right rear passenger window molding and into the vehicle's interior. This bullet's trajectory was from the right rear to left front of the vehicle.

Hole BX
One bullet impact was located in the BMW's right rear side view mirror. The bullet's trajectory was from the rear to the front of the vehicle.

Hole BY
One bullet impact was located in the molding of the BMW's right rear quarter panel. The bullet's trajectory was from the rear to the front of the vehicle.

Additional holes located in the interior of the BMW:

Hole BM
One bullet hole was located in the top of the left side of the BMW's driver's chair. The bullet's trajectory was from the left to the right of the vehicle.

Holes BP/BQ/BR and BN/BO
Three bullet holes (holes BP, BQ and BR) were located in the top of the BMW's rear passenger seat back cushion. Either of these three bullet holes could have originated from either hole AM or hole AN located in the rear window. Also, two of these bullets appear to have impacted the rear of the front driver's seat (holes BN and BO). Items 103,104 and 105 were all recovered from the driver's seat. All three bullet trajectories (BP, BQ and BR) were from the right rear to the left front of the vehicle.

Hole BS/BT/BU
Three bullet holes (holes BS, BT and BU) were located in the interior forward area of the BMW's trunk. Both bullets passed through the rear passenger seat back cushion (holes BS_1, BT_1 and BU_1) and then entered the rear passenger seat bottom cushion (holes $B5_2$, BT_2 and BU_2) of the rear passenger seat. Either of these bullets could have originated from either hole AW or AX located in

the rear of the trunk. Both bullets' trajectories were downward and from the right rear to the left front of the vehicle.

Hole BU
One bullet hole was located on the right side of the BMW's rear passenger seat back cushion. This bullet trajectory was downward and from the rear to the front of the vehicle.

Hole BA
One hole was located on the top of the BMW's front dash. This bullet's trajectory was from the rear to the front of the vehicle. Items 91 and 115 were recovered from the right side of the dash.

Hole BZ
One bullet hole was located on the BMW's steering wheel. Trajectory and origination of this bullet could not be determined due to the rotational movement of the steering wheel.

Hole CA
One bullet hole was located on the left side of the BMW's front passenger seat. This bullet's trajectory could not be determined.

Deputy Scott Edge of Civil Litigation responded to the scene.

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator's Name	Detective Brian Steinwand (Homicide)
Court	None
Charges Filed	None
Court Date	None
Case Number	None

No criminal charges were filed. Homicide Investigators Steinwand and Seymour handled the incident.

LIGHTING OR WEATHER CONDITIONS:

The weather was cloudy, cool, and dark at the time of the shooting (approximately 2010 hours).

INVOLVED EMPLOYEES STATEMENTS:

Deputy Gillis, Robert

Deputy Gillis is assigned to the Palmdale Sheriff's Station Gang Enforcement Team, and was working overtime at Compton Sheriff's Station as a patrol deputy. He was assigned to Unit #284E1, which is one-man unit. He began his shift at approximately [redacted] on the day of this incident. His county vehicle number for his unit was SD1644. At the time of this incident, Gillis was wearing a long-sleeve Class B uniform and a full Sam Brown gun belt.

Gillis monitored a radio call of a man with a gun at the 1700 block of Stockton Street in Compton. He was assigned as the assisting unit for that particular call. As Gillis responded to the location by way of Long Beach Boulevard, radio traffic stated that the suspect vehicle had already left the location of the call. He also heard that other units were in the area of the initial call attempting to locate the suspect vehicle, which was described as a red BMW.

As Gillis drove north on Long Beach Boulevard past a liquor store (2110 N. Long Beach Bl.) located north of Pine Street, he saw a red BMW parked in front of the liquor store. The store was on the east side of Long Beach Boulevard. He also saw a male Hispanic with a shaved head run out of the liquor store and enter the passenger side of the red BMW, which was parked in front of the location.

Gillis drove his marked patrol unit into the driveway just north of the red BMW. When he drove into the parking lot driveway, he heard an update via his sheriff's radio that the suspect vehicle was an older model BMW with no license plates. He pulled behind the red BMW and noticed that it in fact had no license plates affixed to it. Because the original call indicated the suspect was a male Hispanic with a shaved head, Gillis believed this was the red BMW, and the suspect, involved in the original call. Gillis requested emergency clearance via his sheriff's radio and requested three additional units respond Code 3 to his location to assist him.

While he waited for assisting units, Gillis yelled at the occupants of the red BMW to put their hands up. Gillis also advised the radio dispatcher that he was holding the suspects at gunpoint. He requested that both the north and southbound traffic of Long Beach Boulevard be stopped.

The suspects inside the red BMW did not say anything at this time but just sat in the vehicle. The BMW was parked at an angle in the parking lot, and Gillis stopped his patrol unit behind the suspect vehicle facing south. He estimated that he was approximately 15 to 20 feet away from the BMW.

Gillis screamed at the suspects to put their hands up and not to move. Initially, the suspects complied with his orders. Several assisting units subsequently arrived at the location. A sergeant arrived on scene and ran up to the passenger side of his vehicle, opened the front passenger door and took up a position there. Deputy Phillippi and another deputy took up a position behind a white vehicle which was parked off to Gillis' left on the sidewalk. Gillis asked Deputy Phillippi if he wanted to call the suspects out of the vehicle or if he wanted him (Deputy Gillis) to do it. Phillippi told Gillis to go ahead and call the suspects out himself.

Gillis checked to make sure that all other deputies on the scene were ready, and once they were, he began to order the driver, Suspect Vizcarra, out of the BMW. The P.A. system on Gillis' vehicle was not working, so he shouted orders to the suspect's. Suspect Vizcarra, the driver, got out and somewhat complied with his orders. Suspect Vizcarra held his hands out to his side and not over his head as he was instructed to do. Gillis told Vizcarra to face away from him, but Vizcarra turned and looked back at him and the other deputies a couple of times.

Vizcarra backed up to a position between his patrol unit and the white vehicle parked to his left. At this time Gillis heard someone yell out that there was movement inside the BMW. Gillis directed his attention away from Vizcarra, back to the BMW. Gillis saw the BMW was rocking and shaking. He could see the silhouette of someone in the rear seat of the BMW holding a gun. Gillis heard someone yell out, "Gun," but did not know who yelled.

Gillis believed someone began shooting and thought that someone was shooting at either himself or the other deputies. Gillis fired his weapon at the BMW. As he did this, he saw the reverse lights of the BMW come on, and then the BMW began to back toward him. The BMW subsequently collided with the front of his patrol unit. Gillis continued to fire his weapon at the BMW as it drove in reverse toward him. As he fired, he retreated backward about three to four steps.

Gillis believed he was running low on ammunition and was aware that other deputies were covering him, so he knelt down and reloaded his weapon with a fresh magazine. When he stood back up, he saw the BMW now traveled forward and crashed into a wall at the front of the liquor store. Gillis did not fire any more rounds after he reloaded.

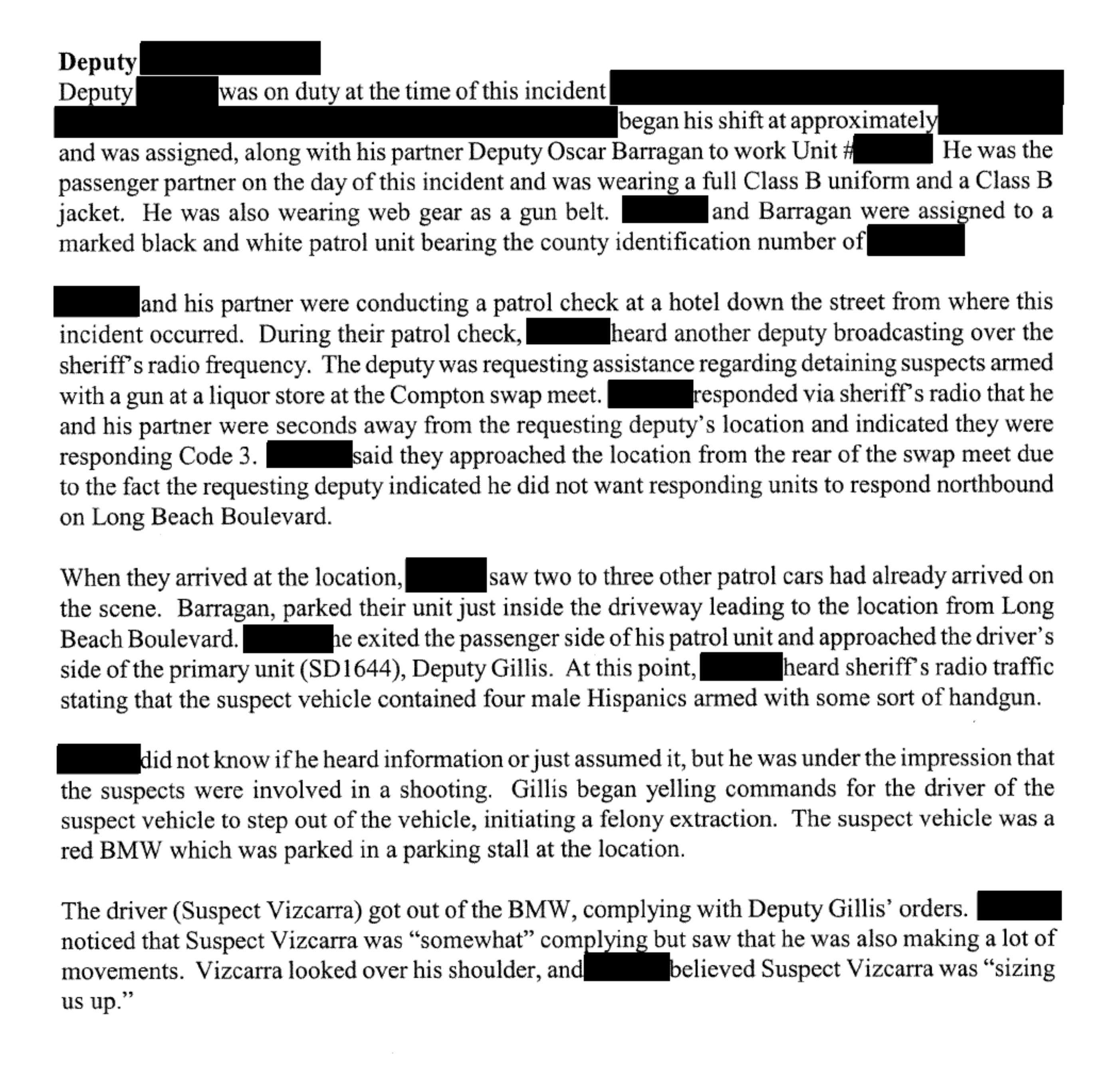
Prior to the BMW backing up, Gillis saw another deputy step up into the opening between his car and the white car, which was parked to his left, in order to handcuff Suspect Vizcarra. The deputy was in line with where the BMW was backing up toward. Also just before the BMW began backing up, Gillis saw Suspect Vizcarra "hitting the ground." After the incident was over, Gillis saw Vizcarra stand up, at which time he noticed Vizcarra was smiling.

Gillis requested some bulletproof shields after the BMW had crashed into the wall. A team of deputies then approached the red BMW. As Gillis approached the BMW, he believed there was still someone in the rear seat because he was not sure who had jumped into the driver's seat after Suspect Vizcarra got out. Gillis shattered the right rear window of the BMW with his "Asp" baton when they approached it. After observing no one was seated in the rear seat, he saw the driver and passenger had been shot. Deputies then extracted both of the suspects from the BMW and awaited the arrival of paramedics, who had already been summoned to the location.

Gillis described how the rear windows of the BMW were tinted. Gillis had his vehicle spotlight directed at the BMW and he believed his vehicle's high-beam headlamps were on. Gillis initially thought there were four suspects in the BMW when he arrived at the location. He recalled seeing the silhouette of someone who appeared to be either getting up to climb into the front seat or was turning around looking back toward himself and the other deputies. Gillis saw the silhouette of a person holding a gun. At this time he heard someone yell out something about a gun, and

movement, and believed he was being shot at. Gillis fired his weapon at the BMW to try to save his life and anyone else's lives who were with him. Prior to leaving the scene, Gillis looked at his dropped magazine and saw that it contained one round.

Gillis used a diagram of the scene to identify his patrol unit in which he was assigned to at the time of this incident (SD1644). Gillis used this diagram to indicate the location where he retreated to as the BMW backed toward him. Refer to **Exhibit A, page 107**, for Gillis' diagram of his position and actions.



Deputy [redacted]

Deputy [redacted] was on duty at the time of this incident [redacted] began his shift at approximately [redacted] and was assigned, along with his partner Deputy Oscar Barragan to work Unit #[redacted] He was the passenger partner on the day of this incident and was wearing a full Class B uniform and a Class B jacket. He was also wearing web gear as a gun belt. [redacted] and Barragan were assigned to a marked black and white patrol unit bearing the county identification number of [redacted]

[redacted] and his partner were conducting a patrol check at a hotel down the street from where this incident occurred. During their patrol check, [redacted] heard another deputy broadcasting over the sheriff's radio frequency. The deputy was requesting assistance regarding detaining suspects armed with a gun at a liquor store at the Compton swap meet. [redacted] responded via sheriff's radio that he and his partner were seconds away from the requesting deputy's location and indicated they were responding Code 3. [redacted] said they approached the location from the rear of the swap meet due to the fact the requesting deputy indicated he did not want responding units to respond northbound on Long Beach Boulevard.

When they arrived at the location, [redacted] saw two to three other patrol cars had already arrived on the scene. Barragan, parked their unit just inside the driveway leading to the location from Long Beach Boulevard. [redacted] he exited the passenger side of his patrol unit and approached the driver's side of the primary unit (SD1644), Deputy Gillis. At this point, [redacted] heard sheriff's radio traffic stating that the suspect vehicle contained four male Hispanics armed with some sort of handgun.

[redacted] did not know if he heard information or just assumed it, but he was under the impression that the suspects were involved in a shooting. Gillis began yelling commands for the driver of the suspect vehicle to step out of the vehicle, initiating a felony extraction. The suspect vehicle was a red BMW which was parked in a parking stall at the location.

The driver (Suspect Vizcarra) got out of the BMW, complying with Deputy Gillis' orders. [redacted] noticed that Suspect Vizcarra was "somewhat" complying but saw that he was also making a lot of movements. Vizcarra looked over his shoulder, and [redacted] believed Suspect Vizcarra was "sizing us up."

As Vizcarra was about half way back to the radio cars, [redacted] noticed a lot of movement taking place within the red BMW. [redacted] heard several deputies hollering that there was movement within the red BMW, and that the guy in the rear seat of the BMW was moving around.

At this point, [redacted] got the feeling that "this is not going to be a normal traffic stop." He said, "The comfort level dropped immediately." [redacted] has participated in several traffic stops and felony traffic stops, and believed that sometimes you can become complacent. [redacted] believed this particular traffic stop became intense immediately.

Vizcarra eventually made his way back to between the primary patrol unit (SD1644) and a white vehicle which was parked near the primary patrol unit. [redacted] remembered seeing a deputy in a tactical position at the corner of the parked white car, who was near to where Suspect Vizcarra was walking. At this point, Vizcarra was close enough that they were going to have him get on his knees so they could take him into custody and could start dealing with the other suspects in the BMW.

[redacted] heard a lot of conversations stating that the occupants of the BMW were still moving. He heard deputies yell at the occupants to stop moving and to keep their hands up. [redacted] saw someone with their hands outside the passenger window. While the deputies yelled that the occupants were moving, he looked up and saw the hands were no longer out of the passenger window.

[redacted] saw a silhouette of a person in the rear seat of the BMW. It was hard to see what this person was doing because of the tinted windows. [redacted] indicated that because of the spotlights and other lighting, it made it possible to somewhat see into the BMW. It appeared to [redacted] that the person in the rear seat was looking back toward him.

[redacted] stated that "there were a lot of things happening at the same time," and that "it started going downhill fast." [redacted] removed himself from cover to approach Suspect Vizcarra in order to assist taking him into custody. [redacted] had not quite reached Vizcarra when he saw Vizcarra dive for cover, simultaneous to seeing the reverse lights on the red BMW come on. He also heard the tires of the BMW screech and saw the BMW coming backwards toward him.

[redacted] thought to himself that there was nothing between the suspect vehicle and himself. He believed he was going to get pinned against the wall located directly behind him.

[redacted] still had his gun out and began shooting at the BMW. He believed he had nowhere to go and if the BMW continued coming back toward him, it would run him over or pin him against the brick wall behind him. [redacted] directed his gunfire toward the driver in order to stop him. He heard other gunfire but could not tell where it was coming from. [redacted] did not know if anyone had fired from the BMW.

[redacted] used a diagram of the scene to identify his patrol unit in which he was assigned to at the time of this incident (SD0675). Refer to **Exhibit A, page 108**, for [redacted]' diagram of his position and actions. [redacted] referred to the diagram to show where the patrol unit ([redacted]) he was assigned to was parked. He indicated that as he exited the passenger side of his patrol unit, he hollered out

asking what vehicle was being dealt with. He said he was told it was the red BMW, so he then ran around the rear of his unit and proceeded to the driver's side of the primary unit (SD1644) next to Deputy Gillis.

Deputy [redacted] also used this diagram to indicate how he moved from behind the driver's door of the primary unit to approach Suspect Vizcarra in order to take him into custody. He moved between the front driver's side of the primary unit (SD1644) and the front driver's side of the white Cadillac, parked facing north in front of the liquor store and east of the primary patrol unit.

Once [redacted] saw the red BMW coming backward toward him, he fired and attempted to flee from the area. [redacted] was also concerned for the safety of Deputy [redacted] and Suspect Vizcarra. Both were near him and were not protected by any cover when the red BMW backed toward them.

After the red BMW came back toward [redacted] it then drove forward and crashed into the front of the liquor store. [redacted] noticed several other deputies focused on the BMW, so he returned his attention onto Suspect Vizcarra. He saw that Suspect Vizcarra was lying partially atop the hood of the white Cadillac parked next to the primary unit. [redacted] ordered Suspect Vizcarra to get onto the ground, and Vizcarra complied. [redacted] then handcuffed Suspect Vizcarra. [redacted] wanted to get Vizcarra out of the area immediately, so he dragged Vizcarra back to the rear of the primary unit (SD1644). Other deputies took Vizcarra.

[redacted] ran back and took up a position next to Sergeant Burke. Sergeant Burke told him to retrieve a bulletproof shield from the trunk of his (Sergeant Burke's) patrol unit (SD2276). After [redacted] retrieved the bulletproof shield, a plan was then formulated as to how they were going to approach the red BMW and render any aid to the suspects inside the vehicle.

When approaching the red BMW, [redacted] saw a deputy break out the driver's side rear window with a baton. [redacted] noticed there was a gun inside the suspect vehicle and that both occupants had suffered gunshot wounds. [redacted] saw the gun on the rear seat of the BMW, behind the passenger seat. He saw the passenger seat of the BMW was "lounged back."

[redacted] went to the passenger side of the red BMW, where he and another deputy broke out the rear passenger window. They opened the passenger door and pulled the passenger from the vehicle. [redacted] laid this passenger suspect on the ground and awaited the arrival of paramedics.

[redacted] did not reload his weapon during or after this shooting incident.

Deputy Barragan, Oscar

Deputy Barragan was working the Compton CPAST (Community Problems and Assessment Team). He was assigned to Unit #[redacted] and began his shift at approximately [redacted] on the day of this incident. Barragan worked with a partner, Deputy [redacted] in vehicle number [redacted] Barragan was the driver, and was dressed in a long sleeve Class B uniform and a full Sam Brown.

Barragan his partner were at a motel on Long Beach Boulevard conducting a narcotics investigation when they heard a deputy request assistance via the radio. The radio traffic stated they were detaining a man with a gun in a vehicle, north of Barragan's location. Barragan and his partner got into their vehicle and responded to the assistance request.

Upon their arrival at the location of the incident, Barragan parked his patrol unit on the sidewalk. He saw three to four other patrol units had already arrived at the location. Barragan got out of his vehicle but could not see the suspect vehicle from where he stood. Barragan went behind the radio cars at the location and took up a tactical position at the northeast portion of the parking area where he could see the suspect vehicle. Barragan described the suspect vehicle as a red BMW which was parked at an angle just south of the radio cars near the sidewalk.

Barragan's tactical position was behind a white car which was parked to the rear of the red BMW. There was another deputy standing south of him, also behind this white car. Barragan believed this was Deputy Jason Phillippi.

The handling deputy, Deputy Gillis, gave orders to the suspects inside the red BMW. Deputy Gillis ordered the driver of the red BMW to exit the vehicle. Gillis yelled at the occupants of the BMW and did not use the vehicle's P.A. system.

The driver of the BMW, Suspect Vizcarra, got out walked back toward the deputies. Vizcarra looked around in different directions as he was backed up. When Vizcarra turned his body, deputies yelled at him not to turn. Barragan watched Vizcarra and the suspect vehicle.

As Vizcarra got closer to the deputies, Barragan saw the suspect vehicle move. Barragan described this movement as "bouncing" which was "pretty rough." Barragan could see bodies as they moved around inside the red BMW. He could not tell how many people were in the BMW but heard deputies yell for the occupants of the vehicle to stop moving and to show their hands.

At the same time, Barragan saw a deputy west of him who was approaching Suspect Vizcarra. All of a sudden, Barragan saw the reverse lights of the BMW come on, and then the suspect vehicle began moving backward at a high rate of speed. The BMW traveled in reverse toward the open area between the primary patrol unit (SD1644) and the white car which he stood behind. Barragan described how the suspect vehicle was parked at an angle and as it reversed, it proceeded in a northeasterly direction. The BMW drove directly toward the opening between the primary unit and the white car he was stood behind; the same location where Suspect Vizcarra had been directed to so he could be handcuffed.

Barragan had no choice but to stay behind the white car. If he would have moved to the opening between the primary unit and the white car he was behind, he may have been struck by the suspect vehicle. He did not know if the suspect vehicle was going to hit his partners, Suspect Vizcarra, and/or himself.

Barragan saw Vizcarra "fling" his body forward toward the hood of the white car. Barragan did not know if Vizcarra was ducked for a reason or if he was reaching for something. Barragan described how everything happened fast and at the same time. He did not know if the BMW actually collided with the white car, but after it had reversed, it then drove forward.

At this time, Barragan heard gunshots and saw what he believed was the rear passenger window of the BMW break. Barragan thought he was taking gunfire and became scared. He was also concerned that he may get pinned between the car he stood behind and the wall. He was also concerned for his partners when the suspect vehicle backed up. Barragan "took his chances" and stayed behind the white car. Barragan fired his weapon at the suspect vehicle when he saw the rear window break. He fired because he thought someone from the suspect vehicle was shooting at him. Barragan directed his gunfire at the window which he saw break, believing this was where the gunshots were coming from.

After Barragan fired his weapon at the BMW, he noticed that Vizcarra was hunched over the hood of the white car. Barragan saw Deputy [redacted] grab Suspect Vizcarra and pull him to the ground. At this time, Barragan saw the BMW now traveled southbound and subsequently crashed into the wall. After the car crashed, Barragan could not tell if the driver was still moving or not.

Barragan relocated and moved to the front (north side) of the white car, behind the white car's engine block. He continued to watch the suspect vehicle and performed a tactical reload of his firearm. He placed his partially-used magazine back in his magazine pouch on his gun belt and then reloaded his firearm with a fresh magazine. Barragan remained at this location and provided cover for other deputies. Deputies eventually approached the BMW with a bulletproof shield and removed the suspects from the vehicle. Fire department personnel and paramedics subsequently arrived on the scene.

Barragan used a diagram of the scene to identify his patrol unit in which he was assigned to at the time of this incident (SD0675). Refer to **Exhibit A, page 106**, for Barragan's diagram of his position and actions.

Deputy Barragan reiterated that he fired his weapon at the red BMW in an effort to stop it. He did this because he thought the BMW could strike him or the deputies who were about to handcuff Suspect Vizcarra. He was also concerned that he and the other deputies may be shot at by the suspects within the BMW because he was aware there was possibly a gun in the vehicle.

Deputy Tate, Keith

Deputy Tate was assigned to Compton Sheriff's Station as a patrol deputy at the time of the incident. He was assigned to Unit #282A, a single-man unit. Tate began his shift at approximately [redacted] His county vehicle number was SD1912. Tate was wearing a long sleeve Class A uniform with a full Sam Browne gun belt.

Prior to this incident, Tate heard a radio call of a "417 vehicle (person with a gun in a vehicle)." The call stated that the vehicle was an older model red BMW with no license plates. The suspects were described as male Hispanics.

As Tate began to search for the red BMW, he heard another unit request assistance via the sheriff's radio. The unit was detaining the suspect vehicle at Long Beach Boulevard and Pine Street near a liquor store. Tate drove to this location and saw Deputy Gillis standing behind the driver's door of his patrol unit (SD1644). Tate parked his black and white patrol unit (SD1912) to the right of Gillis' patrol unit. Tate was the second unit on scene. Tate exited his patrol unit and helped detain the red BMW at gunpoint. Tate noticed the suspect vehicle was parked at an angle in a parking stall, faced southwest in front of him. Initially, Tate could not see the occupants because his view was obstructed by another vehicle parked next to the suspect vehicle. Tate changed his position. He went around to the rear of his vehicle near the sidewalk and a planter next to a tree (along Long Beach Bl.). Other units arrived on scene.

Tate heard voices off to his left, which were deputies ordering the driver, Suspect Vizcarra, out of the red BMW. As this occurred, Tate heard someone (a deputy) say something to the effect of, "Stop moving, stop moving, stop moving." The only person Tate could see inside the BMW was the right front passenger, who had his hands out the window.

At some point, Tate saw the front passenger pull his hands back inside the car window and then turn toward his left. Tate heard verbal commands given to Suspect Vizcarra to exit the BMW but could not see if anyone actually exited the BMW. Tate heard a deputy say that there was still movement in the car, and the deputy told the occupants to stop moving.

Approximately 20 to 30 seconds after the right front passenger pulled his hands back inside the car, the BMW begin to reverse and Tate heard the sound of tires screeching. The BMW traveled backward toward Deputy Gillis' patrol unit. Tate was scared that Deputy Gillis or another deputy would be rammed by the BMW, so he fired his weapon at the BMW. Tate fired his weapon at the BMW because he was afraid the suspects were using their vehicle as a weapon to hit his fellow deputies, and because the call indicated that the suspects were armed with a firearm.

The BMW backed up and collided with another vehicle, then drove forward and crashed into a wall. Tate heard other deputies ask if everybody was okay. Tate then changed his location and moved forward. He went behind a white vehicle which was between him and the suspect vehicle. Tate saw deputies move forward with a bullet-proof shield and approach the BMW. Tate saw deputies remove the right front passenger and driver from the BMW.

Tate used the aforementioned diagram of the scene to identify his patrol unit in which he was assigned to at the time of this incident (SD1912). Tate also used this diagram to indicate his position at the time of this incident. Refer to **Exhibit A, page 105**, for Tate's diagram of his position and actions.

Deputy Guskos, Nikos
Deputy Guskos was assigned to Compton Sheriff's Station as a patrol deputy at the time of the incident. He was assigned to Unit 282B, a single-man unit. Guskos was wearing a long sleeve Class A uniform with a full Sam Browne gun belt.

At approximately 2100 hours, Guskos heard a call via his radio over the L-Tac frequency that there were two 417 suspects (men with guns) in a red BMW at [redacted] He drove toward the location of the call and heard again via L-Tac that the red BMW had left the location. As Guskos searched the area for the suspect vehicle, the radio advised that the BMW had no plates.

Deputy Gillis (Unit 284E1), requested assistance over the radio as he detained the occupants of a red BMW at gunpoint. Gillis advised he was at Long Beach Boulevard north of Pine Street on the east side of the street. Guskos responded Code 3 to Gillis' location.

Guskos arrived on scene and parked his patrol unit (SD2347) in a position somewhere behind Deputy Gillis' car. Guskos took a position on the left side, or just east of where Deputy Gillis stood. Gillis stood at the open driver's door of his car. Guskos saw the described red BMW parked in a stall slightly south and slightly west of Deputy Gillis' car. There appeared to be two persons inside the car. Guskos stood next to Deputy Gillis and had his gun drawn.

Guskos was not sure which deputy ordered the driver out of the BMW. The driver got out walked back toward the deputies' positions; however, the driver turned around in circles and looked to see where the deputies were located. Guskos believed the driver thought the situation was comical because he had a smile on his face as he walked toward the deputies. Deputy [redacted] walked over to handcuff the driver while Guskos remained focused on the BMW.

Guskos heard Deputy Phillippi say there was movement inside the car. Guskos also saw movement inside the BMW. Guskos saw someone in the back seat of the vehicle go to the front of the vehicle. The vehicle bounced up and down, and Guskos knew there was more than one person in the car because the vehicle was bounced on both sides. Guskos could not see clearly into the vehicle; however, he was positive there was more than one individual in the car.

As Guskos watched the car, it suddenly began to back toward the deputies' position. Simultaneously, Guskos saw a "flash." Because the call had stated the suspects were armed, Guskos feared someone in the car was about to kill him or one of his partners. Guskos fired at the occupants of the vehicle in self defense. The car accelerated back, and without slowing down, struck Deputy Gillis' car. Guskos still feared for his life, and believed the vehicle was an additional threat. He continued to fire at the vehicle. The vehicle rolled forward and came to a stop against the building. Guskos did not know how many rounds he fired, but knew there were rounds still in his magazine he dropped on the ground at the scene. Guskos left his position after firing and moved to a position of cover just east behind a white vehicle. From that position, Guskos performed a tactical reload.

Following the shooting, deputies waited long enough to make sure the suspects were not going to return fire, then approached and cleared the vehicle. Guskos pulled the driver out of the vehicle and rescue personnel were summoned. After requesting paramedics, Guskos left the location and went to Compton Sheriff's Station to await an interview by Homicide investigators.

Guskos used the aforementioned diagram of the scene and identified his car's position (SD2347), where he stood next to Deputy Gillis, and where he reloaded his weapon. Refer to **Exhibit A, page 104**, for Guskos' diagram of his position and actions.

Deputy Phillippi, Jason
Deputy Phillippi was assigned to Compton Sheriff's Station as a patrol deputy at the time of the incident. He was assigned to unit 283, a single-man unit. His county vehicle number was SD1585. Phillippi wore a Class A uniform with a full Sam Browne gun belt.

Deputy Phillippi heard a call via sheriff's radio of a person with a gun in a red BMW on Stockton Street. He responded from the area of Long Beach Boulevard and Rosecrans Avenue toward Stockton Street. The call was updated, advising the vehicle had left the location. Units were instructed to look for an older red BMW with no plates which contained a person with a gun.

While looking for the red BMW, Phillippi heard another Compton Sheriff's Station patrol unit request assistance. The unit was detaining the red BMW at a parking lot by a liquor store. Phillippi knew the location and drove there.

When he arrived, Phillippi parked and saw a deputy detaining the occupants of the red BMW at gunpoint. The suspect's car was parked in a parking stall southwest of the deputies' position. Phillippi moved to a spot behind (east of) a white Cadillac which was parked along the building facing north. From this position, Phillippi could see directly into the back window of the BMW. The BMW was illuminated by patrol vehicle spotlights, lights from the parking area, and an air unit which was overhead. The windows were tinted on the BMW, but Phillippi saw what he thought were the silhouettes of four individuals.

A deputy ordered the occupants of the car out at gunpoint, beginning with the driver. The driver stepped out and backed past Phillippi's position. Phillippi remained focused on the other occupants of the BMW.

Suddenly there was a lot of movement inside the car. It looked as if someone was climbing over a car seat. Phillippi saw that person holding a long-barrel gun. Phillippi could not tell if the person holding the gun was the rear or front seat passenger, but the person moving over the seat was the individual holding the gun.

The person with the gun got into the driver's seat. Phillippi was not able to tell if the driver or passenger held the gun. Phillippi was about to yell "417 (meaning "man with a gun")" but saw the brake lights flash twice and the reverse lights of the BMW illuminate. The car accelerated quickly

back toward him and the other deputies. Phillippi thought that the suspect with the gun was about to shoot him or other deputies, and also thought the vehicle was about to ram him or other deputies. Phillippi believed he was about to be killed and when the car was within a couple of feet from his position. He fired into the passenger compartment of the car.

The car backed and then pulled forward, turning in Phillippi's direction. Phillippi saw the driver look forward, backward, and duck down into the car. Phillippi did not know if the driver or the passenger had the gun but was convinced he (Deputy Phillippi) was about to be shot. Phillippi continued to fire and noticed that his bullets were actually skipping off the top of the Cadillac he took cover behind. Phillippi told himself to "focus," re-aimed and continued firing. The driver of the car suddenly slumped over and the car crashed into a wall at the location. The threat ceased, and Phillippi and the other deputies ceased fire. After Phillippi fired and the car crashed, he moved to the other side of the Cadillac for a better position of cover and then reloaded his weapon.

Deputy Phillippi was shown a rough sketch of the location and located his vehicle (SD1585), his position behind the white Cadillac, and the position he moved to and reloaded. Refer to **Exhibit A, page 101**, for Phillippi's diagram of his position and actions.

Deputy Fitzpatrick, Mark

Detective Fitzpatrick was assigned to Century Station. He was working unit 821P1 PM shift (night detective car) with his partner, Detective [redacted] Fitzpatrick and his partner were patrolling in their area which is near the border of Compton Sheriff's Station patrol area. Fitzpatrick was the driver and his partner, Detective [redacted] was the passenger deputy.

Fitzpatrick heard a call from Compton Sheriff's Station indicating there was a vehicle containing suspects with a gun which was described as a red BMW with no plates. The call further stated there were male Hispanics in the car with shaved heads and it was last seen in the 1700 block of Stockton Avenue in Compton. Fitzpatrick and his partner were just north of the Stockton Street area near Pine Avenue. He and his partner began to look for the car. Within about a minute, they heard a Compton Sheriff's Station patrol deputy ask for assistance because he was detaining the BMW at the "Compton Plaza." Fitzpatrick said he was familiar with the location and knew it was on the east side of Long Beach Boulevard.

When Fitzpatrick and [redacted] arrived, they were the in third or fourth car at the location. Fitzpatrick saw a deputy standing with a gun drawn and pointed at the BMW, which was in a stall southwest of the deputies' position. Fitzpatrick walked up to a patrol vehicle, which was one of two units closest to and behind the BMW. He went to the unit on the right (west). Fitzpatrick drew his weapon and pointed it at the BMW while other deputies gave commands to the vehicle's occupants.

Fitzpatrick saw shadows inside the BMW and believed there were three or four people inside. As commands were given, the driver got out of the car and seemed hesitant. The driver was looking around at the deputies and Fitzpatrick became nervous because he thought the driver was about to run.

[redacted] was east of Fitzpatrick next to a patrol deputy who was giving orders to the vehicle's occupants. The driver eventually walked backward and as deputies were about to handcuff him, the BMW began rocking. Fitzpatrick watched the car rock and saw a lot of movement inside the car. Fitzpatrick and the other deputies present all yelled about the movement inside the car.

As Fitzpatrick watched the car, he heard the ignition start and saw the reverse lights come on. Simultaneously, he heard the tires chirp on the car as the BMW accelerated backward toward the deputies. At that same instant, Fitzpatrick saw the right front passenger turn around to his left so that he was facing back toward the deputies.

Fitzpatrick knew Deputy [redacted] and Deputy [redacted] were in the path of the vehicle as it accelerated backward. Fitzpatrick recalled that the car was identified as having occupants who were armed. The passenger's actions of turning and looking back at the deputies caused Fitzpatrick to fear not only might he be shot by an occupant in the vehicle, but that Deputy [redacted] and Deputy [redacted] would be struck by the vehicle as it drove in reverse. Fitzpatrick fired his weapon at the occupants of vehicle to save his life and the lives of Deputies [redacted] and [redacted] He believed he fired five or six rounds.

The BMW continued backward and struck a patrol vehicle, then drove forward and struck a gate against the building. Sergeant Burke, who was also on scene, organized a rescue team which Fitzpatrick was part of. The team approached the red BMW and someone broke a window so they could see more clearly inside. It was difficult to see inside because now there were no spotlights on the car. Fitzpatrick saw a revolver on the back passenger seat of the vehicle. Both occupants appeared to have been shot and were removed from the car. Rescue personnel were called. After the suspects were transported to the hospital, Fitzpatrick was taken to Compton Sheriff's Station to await an interview by Homicide investigators.

Fitzpatrick was shown a rough sketch of the scene. He identified his car, where he fired his gun, and where the red BMW was parked when he first arrived. Refer to **Exhibit A, page 103**, for Fitzpatrick's diagram of his position and actions.

Sergeant Burke, Sean

Sergeant Burke is a sergeant on the Community Problems Assessment Suppression Team (CPAST) based out of Century Sheriff's Station. He was working Unit 210NS1 PM shift.

Burke heard via sheriff's radio that a Compton Sheriff's Station unit was requesting assistance because he was detaining a vehicle with armed suspects inside. The deputy and suspects were in the area of Long Beach Boulevard and Pine Avenue. Burke thought he heard there were four suspects inside the vehicle. Burke was very close to the location and responded there. When Burke arrived, he was the second or third unit on scene and saw that Deputy Gillis had his spotlight on a small red car with three or four people inside. Burke took a position at the passenger door of Deputy Gillis' car.

Additional units arrived, including an airship overhead. Burke and other deputies held the occupants of the red car at gunpoint. Detective Fitzpatrick arrived behind Burke. At that time he believed they had sufficient units to begin ordering the occupants out of the vehicle. The Sheriff's Communication Center asked if there was a sergeant on scene and Burke acknowledged that he was present.

Deputy Gillis gave commands to the vehicle's occupants, but his public address system did not work. Burke told him to yell the commands. The driver exited the car and was acting strange. The driver looked around and tried to place where all the deputies were located. Burke felt the driver's actions were strange. The driver's actions caused Burke feel very uncomfortable and he believed the driver might run. Out of his peripheral vision, Burke saw that deputies had walked out to handcuff the driver. Burke remained focused on the red car.

There was an enormous amount of movement inside the vehicle. Burke yelled to the deputies present to be alert and watch the occupants of the car. Burke saw a hand raise up in the back seat area of the car and he thought an occupant was pointing a gun at the deputies. Burke described that a person on the passenger side of the vehicle raised his right or left arm as if holding a gun.

At the same time, Burke focused on the white reverse lights of the red car because they suddenly illuminated. Simultaneously, he heard the tires chirp and the car accelerated at a high rate of speed back toward the deputies. Burke knew there were deputies in the open, handcuffing the driver. There was also a deputy who was behind a civilian car which was in the path of the red car. Burke was also in danger of being run down or shot, and he felt terrified. Because he feared for his life and that of other deputies, Burke fired into the vehicle at the persons inside.

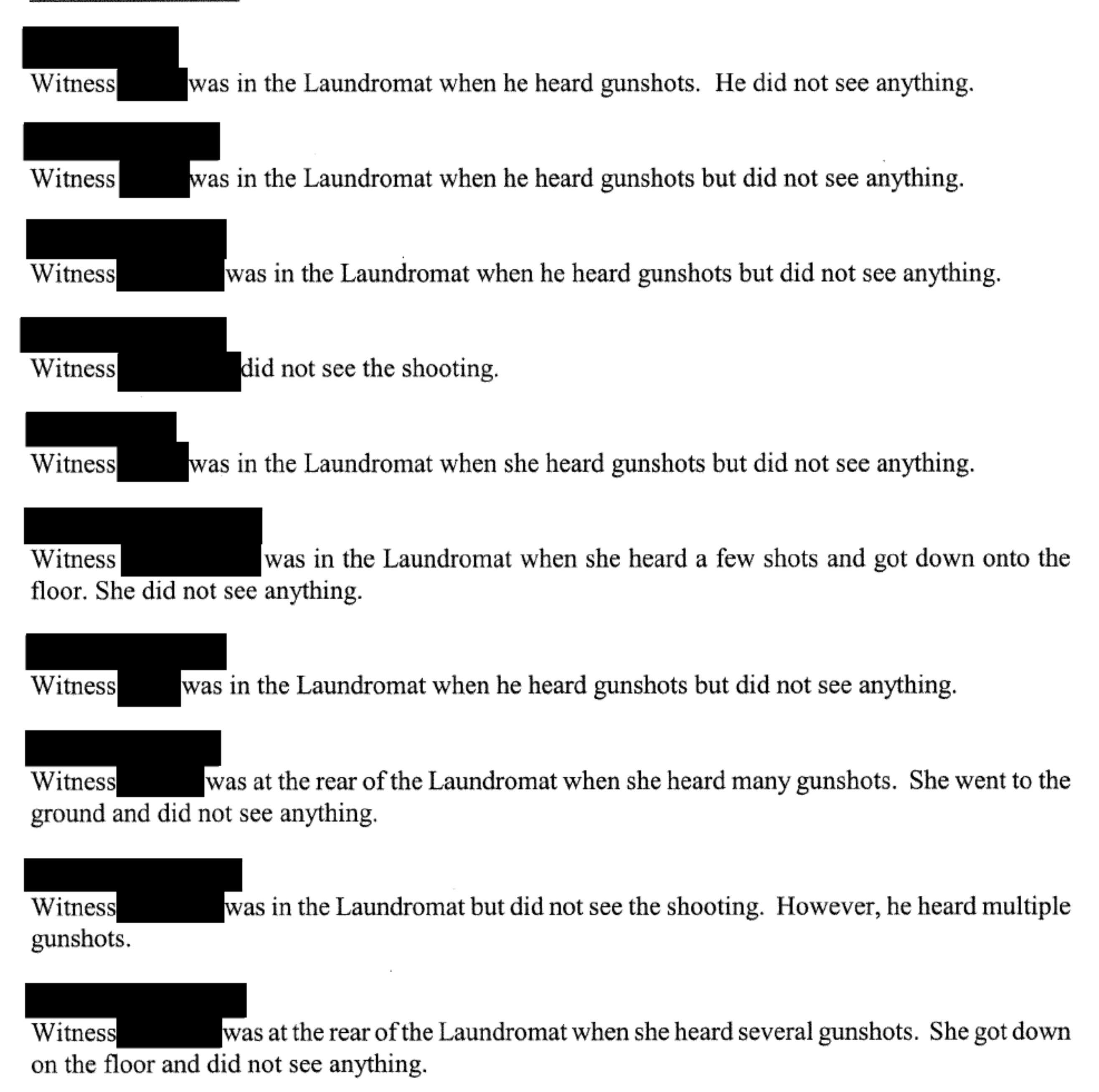
Burke believed that in 99 percent of felony stops, people sit still and do what they are told. The suspects in the BMW did not. Burke believed they were doing something "way out of the norm."

Burke fired three to four rounds and thought the suspects were firing back due to the amount of glass breaking in the suspect vehicle. When the vehicle rolled forward, Burke moved southwest to a better position of cover. At that time, Burke discovered that his gun had jammed while he was firing. Burke cleared the jam and ejected a live round onto the ground.

Burke gave directions to deputy personnel to retrieve the ballistic shield from his car and then organized an arrest team. The team approached the car and discovered both suspects were still breathing. Burke heard someone say they saw a gun in the car, so Burke instructed the deputies to remove the suspects from the car and handcuff them.

Burke later saw a revolver in the back seat of the car. Once the suspects were removed from the car, rescue was called and the scene was secured. Sometime after rescue responded, Burke was taken to Compton Sheriff's Station to await an interview with Homicide investigators.

Burke was shown a rough sketch of the scene. He identified his car (SD2276), his shooting position, and where he moved for cover after firing. Refer to **Exhibit A, page 103**, for Burke's diagram of his position and actions.



WITNESS STATEMENTS:

<u>Civilian Witnesses</u>

[redacted]

Witness [redacted] was in the Laundromat when he heard gunshots. He did not see anything.

[redacted]

Witness [redacted] was in the Laundromat when he heard gunshots but did not see anything.

[redacted]

Witness [redacted] was in the Laundromat when he heard gunshots but did not see anything.

[redacted]

Witness [redacted] did not see the shooting.

[redacted]

Witness [redacted] was in the Laundromat when she heard gunshots but did not see anything.

[redacted]

Witness [redacted] was in the Laundromat when she heard a few shots and got down onto the floor. She did not see anything.

[redacted]

Witness [redacted] was in the Laundromat when he heard gunshots but did not see anything.

[redacted]

Witness [redacted] was at the rear of the Laundromat when she heard many gunshots. She went to the ground and did not see anything.

[redacted]

Witness [redacted] was in the Laundromat but did not see the shooting. However, he heard multiple gunshots.

[redacted]

Witness [redacted] was at the rear of the Laundromat when she heard several gunshots. She got down on the floor and did not see anything.

[redacted]

Witness [redacted] was in the Laundromat but did not see anything. He heard many gunshots.

[redacted]

Witness [redacted] came out of the Laundromat and was told by deputies to return inside. [redacted] saw a male Hispanic walking backward toward deputies with his hands up. [redacted] walked back into the Laundromat. Once inside, he turned around and saw a red BMW with no plates back up quickly and hit his car (a blue Chrysler New Yorker). [redacted] car had been parked next to the BMW with both vehicles faced westbound. His car moved slightly, which is why he believed it was hit by the red BMW.

As the BMW backed up, [redacted] heard several gunshots. He immediately dropped to the floor because he did not know where the gunshots came from. He did not see the shooting.

[redacted]

Witness [redacted] is the [redacted] of the liquor store. She was behind the counter she heard several gunshots but did not see anything.

[redacted]

Witness [redacted] is [redacted] of the liquor store. He was in an aisle when he heard several gunshots outside the store. He did not see anything.

[redacted]

Witness [redacted] was in the liquor store when she heard shots, and got onto the floor. She did not see anything.

[redacted]

Witness [redacted] was in the liquor store. She did not see anything but heard several gunshots.

[redacted]

Witness [redacted] was at the counter of the liquor store. When she heard shots, she dropped to the floor and did not see anything.

[redacted]

Witness [redacted] was in the liquor store near the cash register when she heard shots fired. She got onto the floor and did not see anything.

[redacted]

Witness [redacted] was in the liquor store when he heard one shot. He dropped to the ground and did not see anything.

[redacted]

Witness [redacted] was inside the liquor store when he heard several gunshots outside. He did not see anything.

[redacted]

Witness [redacted] originally told deputies he was in the liquor store and did not see anything. Two days after the incident, he called homicide investigators to inquire about the release of his '89 white Cadillac Seville from the tow yard. [redacted] told Detective Steinwand that he did witness a portion of the incident.

[redacted] drove to the liquor store and parked his vehicle directly in front of the liquor store's front wall. He left his engine running while he went inside. When [redacted] returned to his vehicle, he saw a deputy had driven into the parking lot. [redacted] thought the deputy would contact him, but realized the deputy was focused on a red BMW parked at an angle in a parking stall in front of the liquor store. [redacted] walked back into the liquor store.

[redacted] heard a deputy tell the occupants of the BMW not to move, and the deputy shined his vehicle spotlight into the red BMW. This occurred prior to [redacted] walking inside the liquor store. [redacted] heard the deputy call for backup units and Slocum saw additional deputies arrive. [redacted] saw a deputy position himself a the front passenger side of [redacted] white Cadillac. The deputy pointed his gun at the BMW.

As [redacted] stood in the doorway of the liquor store, he saw the driver of the BMW get out of the car when directed to do so by deputies. The driver left the driver's door opened. The driver walked backward toward the deputies and walked out of [redacted] view. [redacted] saw another person inside the BMW climb from the rear seat into the driver seat. [redacted] saw this through the BMW's tinted windows. The person that climbed into the driver's seat reached out of the open door, and closed the driver's door. The BMW was then put into reverse and began to back up toward the deputies.

At this time, [redacted] heard gunshots. He ducked away because he did not know where the shots came from. The BMW then drove forward and crashed into the liquor store wall.

[redacted]

Witness [redacted] is the [redacted] of Suspects Abelardo and Arturo Saldana. W/[redacted] was at home ([redacted] when he heard his two [redacted] arguing. A friend of his [redacted] Felipe (Vizcarra aka Herrera) was also at the home. Abelardo picked up a revolver. W/[redacted] punched his [redacted] twice in an attempt to take the gun away. He could not take the gun so he called 9-1-1. While he was on the phone with the Sheriff's Department, both his [redacted] and Felipe left the location in a red BMW with no plates. W/[redacted] believed they left because he called the police. Arturo was driving the vehicle. W/[redacted] informed the Sheriff's Department that his [redacted] left the location in a red BMW and were armed with a revolver.

W/[redacted] believed Arturo owned the BMW since he had been driving it lately. W/[redacted] had never seen the revolver before, and did not know where it came from. [redacted] s [redacted] was home at the time, and may have also called the police. Deputies arrived and took a police report. In the police report, W/[redacted] told deputies that Abelardo pointed the gun at him, and pulled the trigger twice. Refer to the **245 P.C. criminal report, 404-00208-2825-051, Exhibit A, pages 221-227**.

Deputy Witnesses

Deputy [redacted]
Deputy [redacted] was assigned as a night detective with his partner Deputy Fitzpatrick. They heard a "Man with a gun" call and responded to the area of the call near the Compton Swap Meet. A few moments later, they heard a "Deputy requesting assistance, detaining a 417 suspect" call via the radio. They drove to the liquor store and saw other deputies were stopped in liquor store parking lot with their guns drawn and pointing toward a red BMW. He heard several Deputies ordering the driver of the red vehicle to exit and walk back to them.

[redacted] and Fitzpatrick stopped their vehicle just east of the traffic stop and exited the vehicle. [redacted] ran up to the white Cadillac that was parked in the liquor store parking lot for cover. He heard deputies order the driver of the red BMW to exit. The driver exited the vehicle and spun around, although he was not ordered to do so. The driver walked backward toward the deputies. Deputy [redacted] moved forward to search the driver suspect. [redacted] moved up to assist Deputy [redacted] in the search. [redacted] attention was drawn to the suspects inside the BMW. He was in a crouched position for safety.
[redacted] saw the rear passenger climb into the driver's seat. [redacted] yelled out to the other deputies that there was movement inside the vehicle. Suddenly, the back up lights came on and the vehicle began quickly backing up toward [redacted] and other deputies. [redacted] believed the BMW was going to hit him. [redacted] turned and ran away from the vehicle in order to avoid being run over by the vehicle. As he was fled, he heard numerous gunshots.

After he was in a safe position, [redacted] turned and saw the suspect vehicle slowly move away from the deputies. The vehicle collided with the wall of the building. The suspect, who was the initial driver suspect, was leaned over the hood of the Cadillac as if he was attempting to get out of the way of the suspect vehicle. Deputies approached that suspect and handcuffed him.

[redacted] assisted about five other deputies who approached the BMW utilizing the ballistic shield as a defensive measure. The rear window of the BMW was tinted. [redacted] broke the rear window in order to be able to see inside the vehicle more effectively for safety reasons.

[redacted] saw two persons inside the vehicle that were obviously injured. Deputies extracted the two occupants and handcuffed them. [redacted] saw a large caliber revolver laying behind the right front passenger's seat.

[redacted] did not fire his weapon and he heard about 15 gunshots. He did not know who fired the shots.

Deputy Sinclair, Shelia
Deputy Sinclair was working as the pilot of Air 22, a departmental helicopter, at the time of the incident. Her partner, Deputy Voge, was the observer. Sinclair was flying over the Lynwood area when she monitored a radio call of a 417 vehicle in the Compton. She immediately responded to

the area to search for the vehicle. Shortly after arriving in the area, they heard the car had been located in front of a liquor store on Long Beach Boulevard in Compton.

Sinclair flew overhead to assist the ground deputies with their felony traffic stop. Sinclair could only occasionally look toward the ground since she piloted the helicopter. She heard Deputy Voge broadcast via their radio that the suspect vehicle backed up and rammed one of the patrol vehicles. She looked down and saw the suspect vehicle had crashed into a radio car and then moved forward. The suspect vehicle drove a short distance forward and crashed into the liquor store wall.

Sinclair was unaware a deputy-involved shooting occurred until she heard a broadcast over the radio. She then assisted units to set up a containment of the area.

Deputy Voge, Michael

Deputy Voge was working as a helicopter observer in Air 22 at the time of the incident. His partner, Deputy Sinclair, was the pilot. Voge received a call of a man with a gun/assault with a deadly weapon incident which just occurred in the Compton area. The vehicle described in the incident was a red BMW. Ground patrol units located the suspect vehicle in the parking lot of a liquor store at the Compton Fashion Center. Voge and his partner flew overhead and assisted the ground units by illuminating the area with the airship's spotlight. Deputies also illuminated the suspect vehicle with their vehicle spotlights.

Voge watched the driver of the suspect vehicle exit the car, and appeared to taken into custody. Voge then saw the suspect vehicle back up and crash into one of the patrol units at the location. The suspect vehicle then drove forward and crashed into the wall of the building.

Voge broadcast that the suspect vehicle had backed up quickly into a sheriff's unit, and then crashed into the building. Voge heard over the radio that deputies advised they had shot at the suspect vehicle. At the time of the shooting, Voge was unaware deputies had fired at the suspect vehicle. He did not see any muzzle flashes.

Voge saw deputies immediately take the suspects in the vehicle into custody, and request assistance in setting up a containment.

> **IAB Note: Other deputy witnesses arrived at the scene following the shooting, and performed duties unrelated to the actual shooting. For these deputies' statements and actions, refer to the supplementary reports located in Exhibit A, pages 1-37.**

SUSPECTS' STATEMENTS:

Saldana, Abelardo

No statement– deceased.

Toxicology reports from the Coroner's office showed the presence of alcohol, marijuana, methamphetamine and amphetamine in Abelardo's system. **Refer to the Coroner's report, Exhibit A, page 235.**

Saldana, Arturo
No statement– deceased.

Toxicology reports from the Coroner's office showed the presence methamphetamine in Arturo's system. **Refer to the Coroner's report, Exhibit A, page 268.**

Vizcarra, Felipe (aka Herrera, Fabian)
At about 1400 hours, Vizcarra went to the Saldana's residence. Vizcarra had known Able (Suspect Abelardo Saldana) for about a year. Able's brother, Arturo (Suspect Arturo Saldana) was also at the house in his bedroom. Vizcarra drank beer with Able while at the house. Able argued with his [redacted] (Witness [redacted]). Able told Vizcarra they needed to go to the store. Able drove the red BMW, Arturo sat in the front passenger's seat, and Vizcarra was seated in the back seat.

Vizcarra never saw a gun while he was at the Saldana's residence. Vizcarra did not see Able argue with his [redacted] he only heard the argument.

The three suspects drove to the liquor store and they all went inside the store. They bought three forty ounce beers. Able paid for the beer. They exited the store, then Able and Arturo began to argue. Vizcarra saw that Able was intoxicated, and he told Able that he should not drive. Vizcarra believed they had left the vehicle running while they bought the beer. Able got into the back seat, Arturo got into the front passenger seat, and Vizcarra was in the driver's seat. Vizcarra turned his head and saw the deputies behind and to the side of them. Vizcarra heard the Deputies yell at him and order him to get out of the car. Vizcarra told Able the police were behind them, and the police were ordering them to exit the vehicle. Able did not respond.

Vizcarra exited the vehicle and complied with deputies' demands. He faced the red BMW as he was being handcuffed. Suddenly, the red BMW backed up toward him. Vizcarra quickly laid on the ground to the left. He heard deputies shooting, and yelling orders to people who were farther away. Vizcarra was lying on the ground, and a deputy jumped on him and handcuffed him. Vizcarra saw the red BMW stopped a short distance away in the parking lot.

Vizcarra did not know a gun was in the vehicle. He had never seen the two brothers with a gun. Vizcarra claimed the Saldana brothers were not in a gang.

Vizcarra drank two forty ounce beers and one "Cisco," and Able drank about the same amount. Vizcarra believed Able was too intoxicated to drive.

At the scene, Vizcarra made a spontaneous statement to Deputies Walker and Corrales, who were detaining him. Vizcarra said, "Did my homies get shot? Man, I told them to kick back, but my homie in the back said, 'Drive away;' and I said forget that. I told them again to kick back as I exited the car. As I exited the car, I saw my homie jump in the front, and try to drive away when you guys shot my homies." Refer to the supplemental report by Deputy Walker in **Exhibit A, pages 13-18**.

> **IAB Note: Vizcarra was arrested for possession of ten individually wrapped baggies of marijuana following the incident.**

MISCELLANEOUS SECTION:

None



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY• Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

RICHARD D. DOYLE • Director



July 6, 2004

Captain Raymond Peavy
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbaker Road
Commerce, California 90040

In Re: J.S.I.D. File #: 04-0023
L.A.S.D. File #: 004-00204-2825-013

Dear Captain Peavy:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 5, 2004 fatal shooting of Abelardo Saldana and Arturo Saldana. We have concluded that the deputies involved, [redacted] Oscar Barragan, Robert Gillis, Keith Tate, Nikos Guskos, Mark Fitzpatrick, Jason Phillippi, and Sergeant Sean Burke, acted reasonably and lawfully in self-defense and the defense of others during this incident.

The following analysis is based upon reports prepared by the Los Angeles County Sheriff's Department (LASD) and submitted to this office on May 24, 2004 by Sergeant Randy Seymour and Detective Brian Steinwand of the Los Angeles County Sheriff's Department Homicide Bureau. The District Attorney's Command Post was notified of this incident and Deputy District Attorney Hector Guzman and District Attorney Investigator [redacted] responded immediately to the scene. They were given a briefing and a walk-through of the scene by the investigators. No compelled statements were considered by this office.

FACTUAL ANALYSIS

During the early evening hours of January 5, 2004, [redacted] arrived at his residence located at [redacted] and found his two [redacted] Abelardo and Arturo Saldana, present with an individual named "Felipe," whose full name is Fabian Felipe Vizcarra. He heard his [redacted] arguing, and saw his [redacted] (Arturo) pick-up a revolver. He tried to take the revolver from his [redacted] but was unsuccessful. He called the Los Angeles County Sheriff's Department and stated his [redacted] and Vizcarra left in a red BMW, and that they were armed with a revolver.

A crime broadcast was made giving a description of the suspects and the vehicle. Deputy Gillis

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spotted the suspect car at the "Liquor & Grocery" store, 2110 North Long Beach Boulevard, Compton. He saw one male Hispanic with a shaved head run out of the liquor store and enter the red BMW. Deputy Gillis positioned his patrol vehicle approximately 15-20 feet behind the car and radioed for assistance. His spotlight and headlights were illuminating the vehicle, along with the parking lot area lights. Moments later the BMW was further illuminated by the spotlight of LASD Airship #21 overhead and the vehicle lights of other responding deputies.

Once all assisting units were in place and with his weapon drawn, Deputy Gillis ordered the driver, Felipe Vizcarra, from the car. Vizcarra exited the car hesitantly and failed to comply with Deputy Gillis' commands. He refused to raise his hands over his head and face away from the deputies as he backed-up toward them. He continually looked all around at the deputies and their positions.

Deputy [redacted] moved around Deputy Gillis' patrol vehicle and approached Vizcarra to take him into custody. At that moment, the BMW started to bounce and rock from movements being made by the two remaining passengers, Abelardo and Arturo Saldana. Abelardo Saldana was in the rear seat, while Arturo Saldana was in the right front passenger seat.

Deputy Philippi recalls seeing sudden movement inside the BMW. It looked as if someone was climbing over a car seat while holding a gun. Phillippi said the person with the gun got into the driver's seat and once there, the deputy was unable to tell if the driver or passenger was now holding the gun. He said he saw the brake lights flash twice and the reverse lights of the BMW illuminate. Deputy Phillippi said the car accelerated quickly back towards him and the other deputies. He said he thought that the suspect with the gun was about to shoot him or other deputies and thought the vehicle was about to strike him or others in its path. Phillippi believed he was about to be killed and when the car was within a couple of feet from his position, he began firing into the passenger compartment of the car.

In his version of the incident, Deputy Gillis stated that he heard the radio broadcast concerning a man with a gun incident, which also gave a description of the suspects and their vehicle. He spotted the suspects and their BMW at the liquor store. The driver, Vizcarra, was responding hesitantly to Gillis' commands. Gillis saw the silhouette of a man (Abelardo Saldana) in the backseat of the BMW holding a gun, and subsequently climb into the driver's seat of the vehicle. The Saldana brothers were moving around inside the BMW causing it to rock and bounce. Deputy Gillis recalls that someone yelled, "Gun." Simultaneously, he heard a gunshot as the back up lights illuminated and the vehicle accelerated backward in his direction. Believing that the occupants may have fired a shot at him or the other deputies and the vehicle posed a physical threat to himself and others, Gillis fired several shots into the BMW.

Sergeant Burke recalls seeing one of the occupants raise-up his hand in the back seat area of the car, and he thought the individual was pointing a gun at the deputies. He further stated that a person on the passenger side of the car raised his right or left arm as if holding a gun. Burke's observations were corroborated by Deputies [redacted] and Tate who saw the right front passenger, Arturo Saldana, place his hands outside the passenger door window, and then pull them back inside the car. Arturo was wearing a pair of black nylon gloves.

According to all accounts of the deputies at the scene, Abelardo Saldana climbed into the driver's seat, started the car's engine, placed the transmission into reverse, and accelerated backward at a high rate of speed towards the deputies and Vizcarra. Fearing for their individual safety and the safety of others, eight deputies fired their weapons at Abelardo Saldana and the BMW. Abelardo Saldana struck a car parked next to him, and then struck Deputy Gillis' patrol car. He then drove forward and crashed into the front of the liquor store.

Compton Fire Department Paramedics treated both Abelardo and Arturo Saldana for gunshot wounds. After being transported to Los Angeles County King Drew Medical Center, both Abelardo and Arturo Saldana expired from their gunshot wounds. Deputies found the BMW's right front passenger seat, where Arturo Saldana had been seated, in a reclined position. A Colt, Trooper Mark III, .357 magnum caliber, nickel finish revolver was found in the right rear passenger seat of the BMW. The weapon's cylinder was partially opened and unloaded.

Investigators interviewed 24 witnesses found at the liquor store and nearby laundromat. Only two people admitted seeing portions of the incident. [redacted] whose car had been hit by the BMW, stated he saw Deputy Gillis' spotlight on the suspects' vehicle. He saw the driver (Vizcarra) get out of the car per the deputy's commands. [redacted] then saw the rear seat passenger climb into the driver's seat, put the BMW into reverse, and back-up toward the deputies. Another witness, [redacted] could clearly hear and understand the deputies' commands and saw a male (Vizcarra) walking backwards with his hands in the air. He then saw the BMW suddenly back up, but claims he did not see the shooting.

Dr. Solomon L. Riley, M.D., Deputy Medical Examiner performed an autopsy on the body of Abelardo Saldana and found through-and-through gunshot wounds to his head and left forearm, a grazing wound to the back of his head and a bullet wound to his right elbow. He recovered two bullet fragments from Saldana's head and one from his right elbow. Dr. Riley ascribed the cause of death to be multiple gunshot wounds to the head. Toxicology reports show the presence of alcohol, marijuana, methamphetamine and amphetamine in Abelardo Saldana's system.

Dr. Pedro M. Ortiz-Colom, M.D., Deputy Medical Examiner performed an autopsy on the body of Arturo Saldana and found gunshot wounds to his head and right hand. He recovered the bullet from Arturo Saldana's head. Dr. Ortiz-Colom ascribed the cause of death to be a gunshot wound to the head. Toxicology reports show the presence of methamphetamine in Arturo Saldana's system.

[redacted] Firearms Examiner, performed examinations on all eight weapons fired by the deputies involved, and on the bullet fragments and bullet recovered during the two respective autopsies. One of two bullet fragments recovered from Abelardo Saldana's head was fired from Deputy Phillippi's .45 caliber service weapon. The other fragment had limited comparison value. The fragment recovered from his right elbow is consistent with being a .45 caliber bullet. It had no microscopic comparison value. [redacted] examined the bullet recovered from Arturo Saldana's head and found it was fired from Deputy Gillis' service weapon.

At the scene, Felipe Vizcarra made a spontaneous statement to Deputies Walker and Corrales, who were detaining him. He said, "Did my homies get shot? Man I told them to kick back, but my homie in the back said drive away; and, I said forget that. I told them again to kick back as I exited the car. As I exited the car, I saw my homie jump in the front, and try to drive away when you guys shot my homies."

After waiving his Miranda rights, Felipe Vizcarra was interviewed by investigators. He told them that Abelardo and Arturo Saldana had been arguing with each other and their [redacted] at the Saldana residence. Both Abelardo Saldana and he (Vizcarra) had been drinking before Abelardo drove them to the liquor store. Vizcarra felt Abelardo was too intoxicated to drive, so he got into the driver's seat after exiting the liquor store. He heard the deputies' commands, exited the car, and told Abelardo of the police presence. However, he received no response from him. Suddenly, the BMW began to back up, and Vizcrra had to move in order to avoid being hit. Vizcarra denied any knowledge of the weapon found in the BMW. At the time of his arrest, Vizcarra had 10 individually wrapped baggies of marijuana in his right jacket pocket. Also, he has a prior conviction for [redacted]

Abelardo Saldana was on [redacted] having been [redacted]
Arturo Saldana was on summary probation for [redacted].

CONCLUSION

California law permits the use of deadly force by an individual in self-defense or in the defense of others when it reasonably appears that the person or others are in imminent danger of great bodily injury or death. People v. Williams (1977) 75 Cal.App.3d 731. In protecting oneself or others, a person may use all force and means which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. California Jury Instructions—Criminal 5.30 and 5.32.

When peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v. Collins (1961) 189 Cal.App.2d 575.

In this case, the deputies were justified in their use of deadly force. The initial radio broadcasts detailed a man with a gun in a red BMW. When Deputy Gillis saw the vehicle parked at the liquor store, he radioed for assistance. After back-up units arrived, he commanded the driver, Felipe Vizcarra, to exit the car. Vizcarra did so hesitantly, not fully complying with Gillis' directions.

As Vizcarra was walking towards the officers, Abelardo Saldana climbed from the rear passenger seat into the driver's seat. Deputies Gillis and Phillippi saw the rear passenger holding

a gun, as did Sergeant Burke. The BMW was rocking and bouncing indicating the occupants were moving around inside. At the same time, Arturo Saldana, seated in the right front passenger seat, was making furtive movements with his hands. Abelardo Saldana started the car's engine and rapidly accelerated in reverse toward the deputies and Vizcarra. As shots rang out from the fire of deputies who believed their lives and the lives of others were in danger, Deputy [redacted] and Vizcarra were directly in the path of the vehicle and quickly moved out of the way in order to avoid being hit. Abelardo Saldana drove the BMW into Deputy Gillis' patrol vehicle, hit one parked car and crashed into a wall before coming to rest.

The actions and furtive movements of Felipe Vizcarra, Abelardo Saldana, and Arturo Saldana caused the deputies heightened concern for their safety and the safety of others. Although the evidence demonstrates that the Saldana brothers did not fire shots from the revolver found in the car, the gun-play and other behavior inside the BMW were precipitous and highly provocative giving rise to reasonable fears of the deputies that they would be shot by one of the occupants or struck and seriously injured by the BMW.

Based upon these facts and circumstances, we find that Deputies [redacted] Barragan, Gillis, Tate, Guskos, Fitzpatrick, Phillippi, and Sergeant Burke reasonably and lawfully fired their weapons in self-defense and in the defense of others. In accordance with this conclusion, we are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By *William H. Johnson*

WILLIAM H. JOHNSON
Deputy District Attorney
(213) 974-5089

c: Deputy [redacted] #[redacted]
Deputy Oscar Barragan, #[redacted]
Deputy Robert Gillis, #[redacted]
Deputy Keith Tate, #[redacted]
Deputy Nikos Guskos, #[redacted]
Deputy Mark Fitzpatrick, #[redacted]
Deputy Jason Phillippi, #[redacted]
Sergeant Sean Burke, #[redacted]